

THIS IS Shine



Supporting Children of Prisoners and Reducing Barriers to Family Connection

SHINE for Kids Submission to the Parliament of Victoria
Inquiry into Children Affected by Parental Incarceration

SHINE for Kids

128-130 O'Connell Street, North Parramatta NSW 2151

E: enquiries@shineforkids.org.au PH: 02 9714 3000

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Executive Summary

SHINE for Kids welcomes the Inquiry and is pleased to provide a submission to the Committee. SHINE for Kids would specifically like to acknowledge the work of Rod Barton MP to bring attention to the issue of parental incarceration in Victoria. Our submission draws on over 40 years of practice, research and advocacy experience on the specific needs of children with a parent in prison in Victoria and nationally.

SHINE for Kids was originally known as the Children of Prisoners' Support Group, and was created following the release of The Children of Imprisoned Parents Report, commissioned by the Family and Children's Services Agency in 1982. In 2004, our name was changed to SHINE for Kids.

In Victoria the rights of children of incarcerated parents remain largely unacknowledged within the criminal justice system. Children of prisoners fall through the cracks created by inadequate program funding, ad hoc service provision and a lack of clarity in law and policy as to how best to respond to them and ensure their rights and needs are met.

It is estimated that 50% of people in custody are parents¹ and there are approximately 7, 151 prisoners in the Victorian prison system or 3,575 parents with children needing support as they face their parents incarceration. In 2019 prior to COVID-19 closing visits SHINE for Kids supported 749 children with a parent in prison. Sadly, this is not reflective of the total state challenges as SHINE for Kids is only funded to deliver services in three prisons in Victoria; Barwon, Marngoneet and Melbourne Remand Centre. There are 14 correctional centres in Victoria with SHINE funded to provide support in under 25% of correctional centres. If SHINE was funded to provide services in more correctional centres we could accurately provide further data to the Committee on the issue of parental incarceration in Victoria. SHINE for Kids receives less state government funding in Victoria than any other state or territory. To place this in perspective SHINE for Kids receives more government funding in the ACT where there is one correctional centre than for the whole of Victoria. In order to ensure SHINE for Kids can support the 749 children we currently support we raise \$130,000 of funding from philanthropic funders to fill the current funding gap.

¹ https://tgn.anu.edu.au/wp-content/uploads/2014/10/Supporting-your-child-when-a-parent-is-in-jail_0.pdf

Despite their vulnerability there has been little examination of the needs of children with a parent in prison by a range of Victorian government departments and agencies including police, courts, corrective services, juvenile justice, community services and education. Children with a parent in prison confront a complex range of issues that cross the boundaries of multiple agencies. Consequently, agencies can overlook the consequences of incarceration for children, which span health, social, education, housing and justice related impacts.

In this submission we celebrate programs and initiatives in Victoria and internationally that support children with a parent in prison. Recommendations on law reform for incarcerated parents are also made as law reform is an important part of supporting children of prisoners. Reduced incarceration, and greater support for people in contact with the criminal justice system, will improve health, social and economic outcomes of children of prisoners and lead to a safer society for all.

Whilst some progress has been made in recognising the value of maintaining family ties for the offender, there is much more that needs to be done to both recognise and realise the mutual benefits of maintaining and strengthening ties for an offender's family and children. Maintaining family ties is not only predictive of more successful desistance from offending, but also improves social outcomes for children with a parent in prison.

A whole family, holistic approach is a win-win situation both within and outside the criminal justice system. However, the current system does not provide any shared objectives to facilitate the joint working that is required to provide a coordinated, whole family approach.

In Victoria provision for prisoners and their families in the state is largely provided by the voluntary and community sector. SHINE for Kids acknowledges the many excellent family services working in custody and in community to support families and ensure prisoners and families are able to stay in touch. While they are providing excellent services individually, and have built significant expertise over time, their presence does not conceal what is effectively a systemic failure of public services to find a way to join up their systems.

We call on the Premier of Victoria to take leadership on this issue and urge the Prime Minister develop a *'Prevention of Intergenerational Interaction with Criminal Justice System Strategy'* for children of prisoners and fund the rollout.

SHINE for Kids would be pleased to provide a Supplementary Submission with Recommendations fully costed ensure children with a parent in prison in Victoria are supported to thrive.

April Long

National Operations Manager

Summary of Recommendations

Top 3 Recommendations

Recommendation 1: The best interests of the child must be the primary consideration in relation to all actions that may affect children whose parents are in conflict with the law, whether directly or indirectly. The Attorney General should implement laws and policies to ensure this at all stages of judicial and administrative decision making during the criminal justice process, including arrest, pre-trial measures, trial and sentencing, imprisonment, release and reintegration into the family and community.

Recommendation 2: Extend the funding and delivery of SHINE Invisits and Child and Parent Days to Loddon Correctional Centre, Ravanhall Correctional Centre, Dame Phyllis Frost and Tarrengower Women's Prison

Recommendation 3 That the Minister for Child Protection and Family Services establish and maintain a data system on all children whose parents are in prison and who are in the substitute care system or are under the Minister's care. The data system should be used to assist the Department Justice and Community Safety to formulate practical and sensitive policies for this group of children. Data should be made publicly available to inform the appropriate development of programs and policies by the community sector.

SHINE Program Recommendations

Recommendation 4: Extend the funding and delivery of the Keeping Us Together program at Barwon, Marngoneet, Melbourne Remand Centre, Loddon Correctional Centre and Ravenhall Correctional Centre

Recommendation 5: Extend the funding and delivery of Play Together Stay Together Playgroup at Barwon, Marngoneet, Melbourne Remand Centre, Loddon Correctional Centre and Ravenhall Correctional Centre

Recommendation 6: Extend funding for RISE Education Program and Teacher Training in three areas of highest need based on SHNE for Kids data Western Metropolitan, Northern Victoria and Northern Metropolitan.

Recommendation 7: Extend the funding and delivery of Ride By Your Side transport program to Dame Phyllis Frost, Tarrengower Women's Prison, Ravenhall, Loddon and Fullham Correctional Centres.

Recommendation 8: The Minister for Corrections Victoria encourages G4S private prison provider of Port Phillip Prison to meet with SHINE for Kids about services and supports for Children with a parent in prison and parenting programs.

Sentencing Primary Care Givers Recommendations

Recommendation 9: The best interests of the child must be the primary consideration in relation to all actions that may affect children whose parents are in conflict with the law, whether directly or

indirectly. The Attorney General should implement laws and policies to ensure this at all stages of judicial and administrative decision making during the criminal justice process, including arrest, pre-trial measures, trial and sentencing, imprisonment, release and reintegration into the family and community.

Recommendation 10 Individualised support for children with a parent in prison should commence at the time of parental arrest and continue through sentencing, incarceration and the re-entry of the parent into the community. This support should be funded by government as a priority.²

Recommendation 11: A sentence of imprisonment on a primary carer of children should only be imposed when all possible alternatives have been exhausted. The courts should always seek community-based alternatives, particularly in the case of parents who have committed non-violent offences. Data should be made publicly available on the number of primary carers who receive a custodial sentence.

Recommendation 12: Bangkok Rule 64³ should be implemented. This states: “*non-custodial sentences for women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taken into account the best interests of the child or children, while ensuring the appropriate provision has been made for the care of such children*”. The application of the Bangkok Rules was limited to women because the mandate for these Rules only covered women, but the preamble recognised that the Rules should be applied equally to men in an equivalent position.⁴ The scope should cover all parents and all sole or primary caregivers with whom children have the right to maintain contact.

Recommendation 13: Pregnant women and parents who are primary caregivers of young children or of people with disabilities should not be remanded unless they are charged with a serious offence such as murder, manslaughter or rape. Data should be made available on the number of primary caregivers who are remanded in custody.

Recommendation 14: A duty be introduced to require that the welfare of the child must be at the forefront of the judge’s mind and the impact of sentencing on children must be a distinct consideration to which full weight must be given by the courts.⁵

Recommendation 15: That the Attorney General ensure that, through judicial education, magistrates and judges always use the option of prison as a last resort when sentencing an offender who is the

² Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

³ United Nations, Standard Minimum Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

⁴ Brett, R. (2018) “Best Interest of the Child when Sentencing a Parent: Some reflections on international and regional standards and practice” p.3.

⁵ The Right to Family Life: children whose mothers are in prison – Report Summary Joint House of Commons and a House of Lords Committee Report.

parent of dependent children, irrespective of the existence of mothers and children's units in at Tarrengower and Dame Phyllis Frost.⁶

Recommendation 16: That the Attorney General monitor the sentencing patterns of magistrates and judges to ensure that prison is being used only as a last resort for parents of dependent children and make information publicly available.

Recommendation 17: That the Attorney General encourage magistrates and judges to use the option of sentencing a person who is pregnant to a term of imprisonment as a last resort and only in extreme circumstances. Data should be made available specifying the number of pregnant women who receive a custodial sentence.

Recommendation 18: That the Attorney General ensure that prior to sentencing an offender the courts are provided with reports from the Department of Communities and Justice on the impact of a custodial sentence of a parent on any dependent children of that parent.⁷

Recommendation 19: That the Attorney General extend the application of a good behaviour bond and community service orders to include the deferral of sentences during pregnancy and further, until after breastfeeding.⁸

Parents in Custody in Adult Complexes Recommendations

Recommendation 20: That the Minister for Corrective Services review the visiting arrangements in all Victorian correctional centres as a matter of urgency.⁹ Action should be taken to:

- I. Standardise visiting hours;
- II. Develop a scheme to notify families when visiting arrangements are altered including when a family member transferred to another complex;
- III. Ensure that when school days or public holidays interfere with all-day visits, alternative arrangements are introduced;
- IV. Provide child-friendly and appropriate visiting areas; and
- V. Ensure healthy food is available at visits.
- VI. Dedicated Child and Family Centre at all Victorian prisons

Recommendation 21: Prison visits should be seen as an important opportunity to promote family bonds (meaning the prisoner and their children) rather than an incentive or punishment for parents in custody).

⁶ Recommendation 47 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

⁷ Recommendation 33 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

⁸ Recommendation 57 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

⁹ Recommendation 18 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

Recommendation 22: That the Minister for Corrections ensure that children are not prevented from visiting their parent in custody because of any disciplinary action taken against the parent. The prisoner responsible for the action is to be disciplined and the child should not be disadvantaged by a suspension of visits to a parent.

Recommendation 23: That the Minister for Corrections ensure that children are at all times permitted to have contact with their parents when on visits to prisons and that the practice of ‘boxed visits’ be discontinued when children are involved.¹⁰ SHINE for Kids are able to supervise this contact so that it is child focused and just includes the imprisoned parent and child.

Recommendation 24: That the Minister for Corrections prohibit invasive security checks of children under the age of 16 years.

Recommendation 25: Corrections Victoria should strive to provide access to contact that promotes the positive development of the relationship between children and incarcerated parents. This includes funding evidenced based programs that improve visits, communication and bonds between parents and children.¹¹

Recommendation 26: As part of any decision concerning prisoner transfers, governors should be required to produce a Family Impact Assessment that considers the proximity of prisoners to their children.

Recommendation 27: That the Minister for Corrections ensure that adult parents in custody are incarcerated in facilities that are near to those where their child resides in order to facilitate visits between them, wherever such arrangements are possible.

Recommendation 28: That the Minister for Corrections increase the number of telephones in each correctional centre to maximise the opportunities for children to speak with their parent in custody.

Recommendation 29: That the Minister for Corrections increase the time limits for long distance calls between inmates who are parents and their children to 15 minutes.

Recommendation 30: That the Minister for Corrections ensure that all telephone conversations between inmates and their children take place in private.

Recommendation 31: That the Minister for Corrections ensure that any inmate involved in a custody dispute in relation to their children has access to legal assistance, is granted leave and is provided with transport to attend any court proceedings regarding the case.

Recommendation 32: That the Minister for Corrections ensure all pregnant women in custody receive appropriate and adequate ante-natal care and that such care be commensurate to that which a pregnant woman receives in the community.

¹⁰ Recommendation 22 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

¹¹ Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

Recommendation 33: That the Minister for Corrections ensure that when a pregnant woman is escorted to an outside medical practitioner or hospital she is afforded appropriate privacy. Under no circumstances should a departmental escort be present during a woman's labour.¹²

Recommendation 34: That the Minister for Corrections ensure that pregnant inmates serving a custodial sentence may apply for release at the time of and following the birth of their child and that the appropriate post release supports are available to those women who are successful in their application to assist them with the care of the baby. In carrying out this recommendation the best interests of the baby must be paramount.

Recommendation 35: Corrections Victoria invest in SHINE For Kids evidenced based parenting Program Keeping Us Together. This programs should be made available to all prisoners including:

- I. Male and female parents;
- II. Prisoners held on remand; and
- III. Prisoners serving short sentences.

Transport and Capital Expenditure Recommendations

Recommendation 36 Corrections Victoria should invest in supported transport services for children with a parent in prison due to parents being imprisoned long distances from their children. This service should be available at all Victorian correctional centres.

Recommendation 37 : Capital expenditure on building new correctional centres or modifying existing facilities prioritise infrastructure that supports family integration and child-friendly visiting areas including a dedicated Child and Family Centre at all Victorian correctional centres

Training Recommendations

Recommendation 38 : That the Minister for Child Protection and Family Services work with SHINE for Kids to introduce a training course to overcome the negative stereotypes of parents who are prisoners for all out of home care case managers who work with children of those parents. The proposed training program should be implemented as a matter of urgency and without delay.

Recommendation 39: That the Minister for Education work with SHINE for Kids to implement guidelines for teachers and school counsellors to assist them to recognise children whose parents are in prison and respond in an appropriate and sensitive manner.

Recommendation 40: That the Attorney General work with SHINE for Kids to develop and implement training for members of the magistracy and judiciary to enable them to take into account the impact which a custodial sentence for an accused person may have on his or her dependent children. This training should include the impact of colonisation, intergenerational dispossession, and

¹² Recommendation 66 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

intergenerational trauma, the connection between a history of removal, being placed in care and subsequently incarcerated as an adult.

Recommendation 41: That the Minister for Corrections work with SHINE for Kids to institute a training program for all correctional staff to develop positive methods of interaction with the families, particularly the children, of inmates. SHINE for Kids currently provides officer training in New South Wales.

Governance and Policy Recommendations

Recommendation 42: Prison visits should be seen as an important opportunity to promote family bonds (meaning the prisoner and their children) rather than an incentive or punishment for parents in custody.

Recommendation 43: That the Premier urge the Prime Minister develop a 'Prevention of Intergenerational Involvement with Criminal Justice System Strategy' with and fund its rollout. Victoria should lead by developing a State Strategy and funding its rollout.

Recommendation 44: That the Premier develop a State Committee and urge the Prime Minister to commission a national study on children of prisoners to be undertaken by SHINE for Kids.

Recommendation 45: That the Premier direct the Department Justice and Community Safety to meet with SHINE for Kids to develop policies and programs to meet the needs of children of imprisoned parents.

Data and Evaluation Recommendations

Recommendation 46: That the Minister for Child Protection and Family Services establish and maintain a data system on all children whose parents are in prison and who are in the substitute care system or are under the Minister's care. The data system should be used to assist the Department Justice and Community Safety to formulate practical and sensitive policies for this group of children. Data should be made publicly available to inform the appropriate development of programs and policies by the community sector.

Recommendation 47: Corrections Victoria should work with Australian state and territory governments to develop an annual national survey on parenthood to ensure early prevention services and support can be appropriately allocated.

Recommendation 48: All programs and policies implemented for children with a parent in prison need to incorporate rigorous monitoring and evaluation processes. Evaluations need to have Indigenous perspectives, methods and methodologies embedded to ensure outcomes.¹³

The Social Emotional and Health Impact on Affected Children

Children whose parents are imprisoned remain largely invisible and are a highly vulnerable group whose rights and welfare are affected at every stage of criminal proceedings against their parent. Due to a lack of publicly available data, we don't know exactly how many people in Victorian prisons are mums and

¹³ Indigenous Evaluation Strategy. Productivity Commission Issues Paper June 2019.

dads, but based on the national rate, we can estimate around 3,000 Victorian parents are in prison at any given time¹⁴. With current government funding SHINE for Kids is only able to provide services and supports to 749 children or under 25% of the estimated need resulting in 75% of children with a parent in prison not being supported.

Incarceration is a stigmatising experience that can often lead to social exclusion, lower self-esteem and lower self-efficacy.¹⁵ Importantly, children are often seen as the "invisible victims" of incarceration as they have little choice or control over their situation.¹⁶ Children of incarcerated parents also report higher rates of suicidal thoughts and self-harm than children who are not impacted by incarceration.¹⁷

In Victoria the rights of children of incarcerated parents remain largely unacknowledged within the criminal justice system. Children of prisoners fall through the cracks created by inadequate program funding, ad hoc service provision and a lack of clarity in law and policy as to how best to respond to them and ensure their rights and needs are met. At a state and national level there is lack of robust, long-term evaluations of policies and programs addressing the intergenerational impacts of incarceration and effectiveness of programs and policies supporting children of prisoners and their carers¹⁸.

Children are confronted with a host of challenges when a parent or caregiver is in conflict with the law.

- They have to contend with the break-up of their family and may need to be placed in alternative care where in many cases they are more vulnerable to violence, abuse, neglect and exploitation.
- Losing their primary caregiver may result in financial hardship and make it difficult to access health services and education.
- They experience discrimination and stigma as a result of their parent's status as a suspect, defendant or convicted prisoner.

¹⁴ <https://www.vacro.org.au/information-about-families-and-prisons-in-victoria>

¹⁵ Evans, D. N., Pelletier, E. & Szkola, J. (2018), 'Education in Prison and the Self-Stigma: Empowerment Continuum', *Crime and delinquency* 64(2): 255–280.

¹⁶ Eddy, JM & Poehlmann-Tynan, J.(2019), *Handbook on Children with Incarcerated Parents: Research, Policy, and Practice*, Springer International Publishing

¹⁷ University of Newcastle (2021) 'Intergenerational Incarceration in NSW Prisons and Youth Justice Centres', Summary Report from An Epidemiological Analysis of Intergenerational Incarceration in NSW Prisons and Youth Justice Centres, Newcastle

¹⁸ Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.



It's more than just
the loss of
mum or dad

Change overnight can include

- living with a foster carer
- living with grandparents
- living with a family friend
- separated from their brothers and sisters
- separated from family pet



It is widely recognised that the enforced separation caused by incarceration can result in significant hardships on families and can strain bonds between parents and children. Often people are imprisoned in facilities that are far away from family and loved ones are forced to travel long distances for visits. This can have a negative impact on children's development, their engagement in school and fuel intergenerational inequalities. Conversely, quality parent-child relationships have been linked to social competence, mental and emotional wellbeing and academic achievement in young people and children.

When a parent spends time in prison, away from their family and community, it creates an adverse childhood experience for children that has lifelong impact. To fully understand the harmful effects of incarceration on the parent-child relationship, we must first recognise the importance of that relationship to a child's healthy development, which is underscored by attachment theory. Attachment theory is rooted in the knowledge that children should experience warm, intimate, and continuous connections with their parents or parental figures in a way that produces satisfaction and enjoyment.¹⁹ These relationships are crucial to a child's lifelong physical and psychological well-being.

The Adverse Childhood Experience (ACE) Study confirms that growing up experiencing an incarcerated household member - especially a parent - prior to age 18 leads to many negative health and behavioural outcomes. Parental incarceration is more than a temporary separation of child and parent, and incarceration affects children differently than other forms of parental loss (e.g., divorce or death) because of the associated social stigma and the uncertainty surrounding the length of the separation.²⁰ A recent study which examined the relationship between parental imprisonment and other ACEs showed that children who experienced parental imprisonment were more likely to have experienced other ACEs than children who had not experienced parental imprisonment – specifically, parental imprisonment was associated with a fivefold increase in exposure to ACEs. These differences remained when demographic and socioeconomic factors were controlled for ²¹.

¹⁹ Bowlby, J (1951) "Maternal Care and Mental Health." Bulletin of the World Health Organization 3 p355–534.

²⁰ Arditti, Joyce, and Savla (2015) "Parental Incarceration and Child Trauma Symptoms in Single Caregiver Homes." Journal of Child and Family Studies 24 (3) p 551-61.

²¹ 6 Turney, K. (2018). Adverse childhood experiences among children of incarcerated parents. Children and Youth Services Review, 89, 218-225.



Parental incarceration impacts negatively on family wellbeing. Children impacted by parental incarceration are also at higher risk of having contact with the criminal justice system and the cycle of intergenerational offending.²² The evidence suggests that quality parent-child relationships are linked to social competence, mental and emotional wellbeing and academic achievement.²³ Research also found that some of the strongest indicators of subjective wellbeing included social factors (trust, connection) and self-esteem (confidence).²⁴

Parental Incarceration as a Health Issue

In the United States using data from the National Longitudinal Study of Adolescent Health, researchers at the Centers for Disease Control and Prevention have discovered some of the long-term negative physical and mental health effects of parental incarceration on children. Exposure to parental incarceration in childhood is associated with health problems in young adulthood. In one study, significant associations were found between parental incarceration and eight of 16 health problems (depression, posttraumatic stress disorder, anxiety, cholesterol, asthma, migraines, HIV/AIDS, and

²² University of Newcastle (2021) 'Intergenerational Incarceration in NSW Prisons and Youth Justice Centres', Summary Report from An Epidemiological Analysis of Intergenerational Incarceration in NSW Prisons and Youth Justice Centres, Newcastle.

²³ . Lippman, LH & Moore, KA (2005), What Do Children Need to Flourish?: Conceptualizing and Measuring Indicators of Positive Development, Boston: Springer US

²⁴ . Ben-Arieh, A, Casas, F, Frønes, I & Korbin, JE (2014), Handbook of child well-being : theories, methods and policies in global perspective, Netherlands: Springer

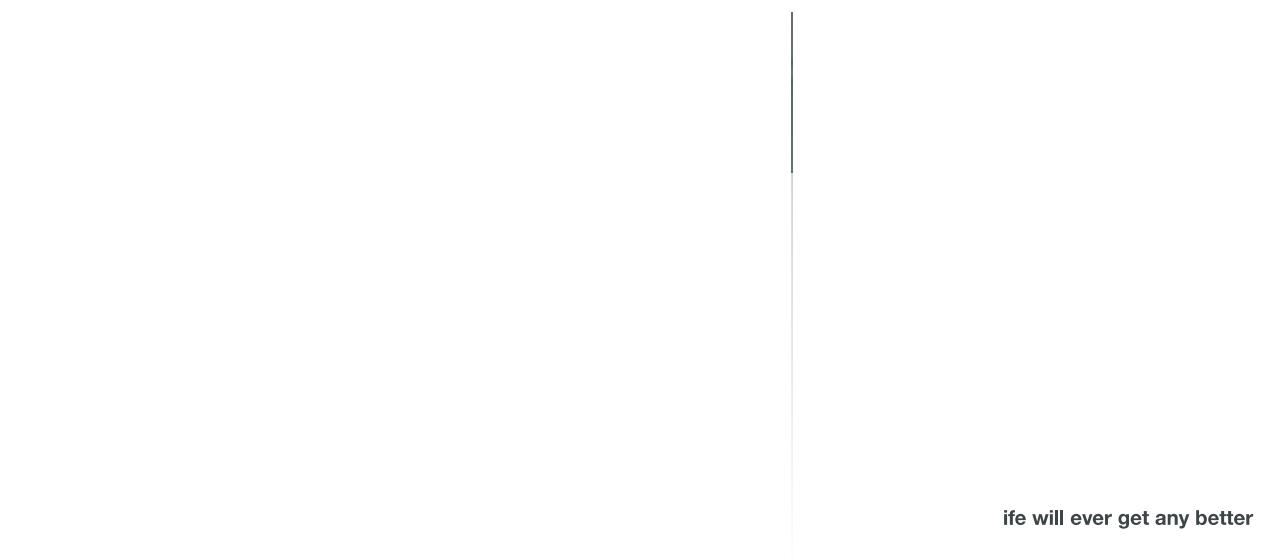
fair/poor health) in adjusted logistic regression models. Those who reported paternal incarceration had increased odds of eight mental and physical health problems, whereas those who reported maternal incarceration had increased odds of depression²⁵. The risk was higher for mental health issues than for physical health issues among children of incarcerated parents.

The strong links between parental incarceration and child health and behavioral problems, should lead to a rethinking of sentencing policies, particularly for nonviolent offenders who are parents.



Created by the Prison Policy Institute with data from Sundaresh et al. 2021

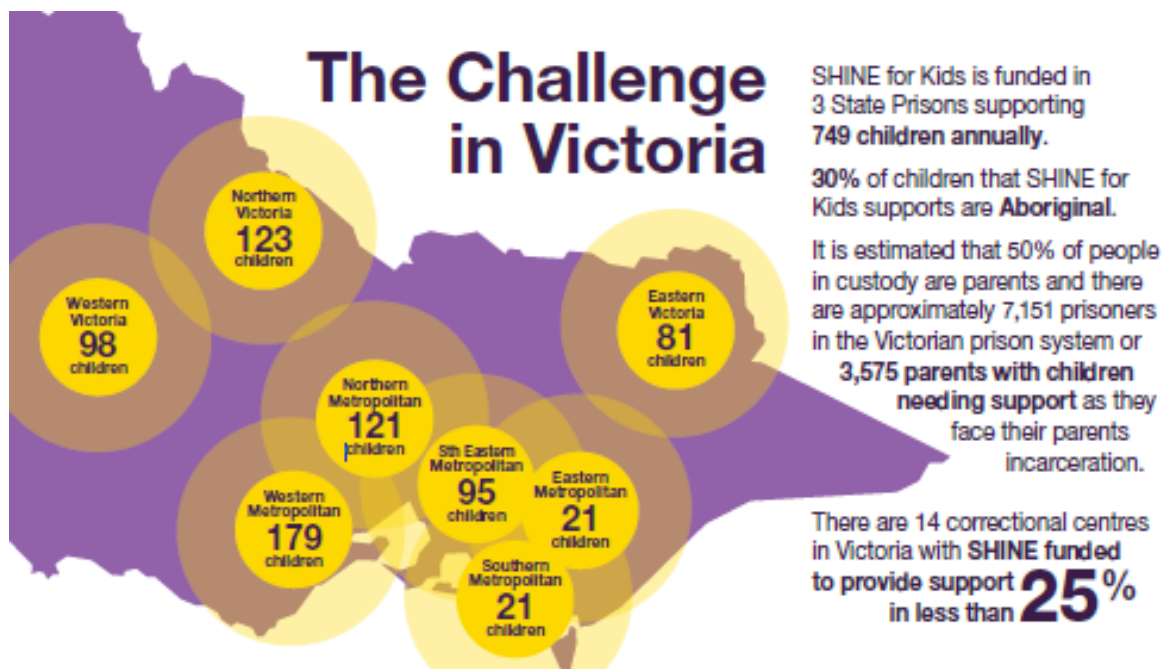
The Stages of Parental Incarceration



²⁵ The Impact of Parental Incarceration on the Physical and Mental Health of Young Adults

The Challenge in Victoria

Nationally, SHINE for Kids receives the least amount of state government funding in Victoria than any other state or territory. To place this in perspective SHINE for Kids receives more government funding in the ACT where there is one correctional centre than for the whole of Victoria. Canberra has a population of around 500,000, Victoria over five million. It is estimated that 50% of people in custody are parents²⁶ and there are over 7,000 prisoners in the Victorian prison system or over 3,500 parents with children needing support as they face their parent's incarceration. In 2019, prior to COVID-19 closing visits SHINE for Kids was supporting over 740 children in Victoria with a parent in prison.



Total Children	Western Metropolitan	Northern Victoria	Northern Metropolitan	Western Vic	Sth Eastern Metropolitan	Eastern Vic	Eastern Metropolitan	Southern Metropolitan
749	179	123	121	98	95	81	31	21

First Nations Parental Incarceration

Aboriginal and Torres Strait children experience parental incarceration at a greater rate than non-Indigenous Australians. Aboriginal and Torres Strait Islander children are placed in out of home care at a greater rate than non-Indigenous Australians. The over-representation of Aboriginal and Torres Strait

²⁶ https://tgn.anu.edu.au/wp-content/uploads/2014/10/Supporting-your-child-when-a-parent-is-in-jail_0.pdf

Islander women within the female prison population is of serious concern. As stated by the Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar, *“when there is a systems failure as there currently is with our incarceration system, First Australians always suffer a disproportionate impact. And the most vulnerable to this failure, the latest victims, are our women. The trajectory of incarceration in this nation shines a glaring light on the systemic inequality experienced by Aboriginal and Torres Strait Islander peoples”*.²⁷ Disrupting the intergenerational effects of incarceration of Indigenous peoples in Victoria is a critical justice and societal issue.

The key drivers of over-representation of Indigenous people in prisons will not be addressed by a single initiative or program. Instead, whole of system solutions are required across a range of traditional government policy and portfolio areas, including education, health, human services, welfare and justice.²⁸ Aboriginal children of prisoners are largely invisible in this picture with little focus on their needs and their right to stay connected to their parent in custody

In 2017, the United Nations Special Rapporteur on Violence Against Women emphasised the crucial importance of diverting Aboriginal and Torres Strait Islander women from the criminal justice system — particularly those who are mothers — and recommended that state and territory governments amend laws that contribute to their unnecessary imprisonment.²⁹

Impact of COVID-19 on Parental Incarceration

In 2020, prison visiting across the globe was significantly affected by the COVID-19 pandemic. In Victoria, like many places worldwide, this involved heightened restrictions on movement within prisons and the cessation of in-person visits for varied periods of time, in an attempt to keep COVID-19 out of the prison population. Formal understanding of the impact of the pandemic on prisoners and their families and their coping during imprisonment remains limited. While it is true that the virus does not discriminate, it is accentuating and exacerbating longstanding inequalities in our society, leaving particular groups exposed to heightened vulnerability. Among these groups requiring targeted attention and action are children of incarcerated parents, including both children residing in prisons with their parents or caregivers, or under house arrest and those separated from their parents or caregivers by incarceration.

In partnership with Monash University SHINE for Kids commissioned a research survey into the impact COVID-19 has on children with a parent in prison. In that survey:

- 16.7% of children had a disability or chronic illness compared to 7.4% of general population (that is, twice as likely to have disability or chronic illness);
- Common to comment on autism spectrum;

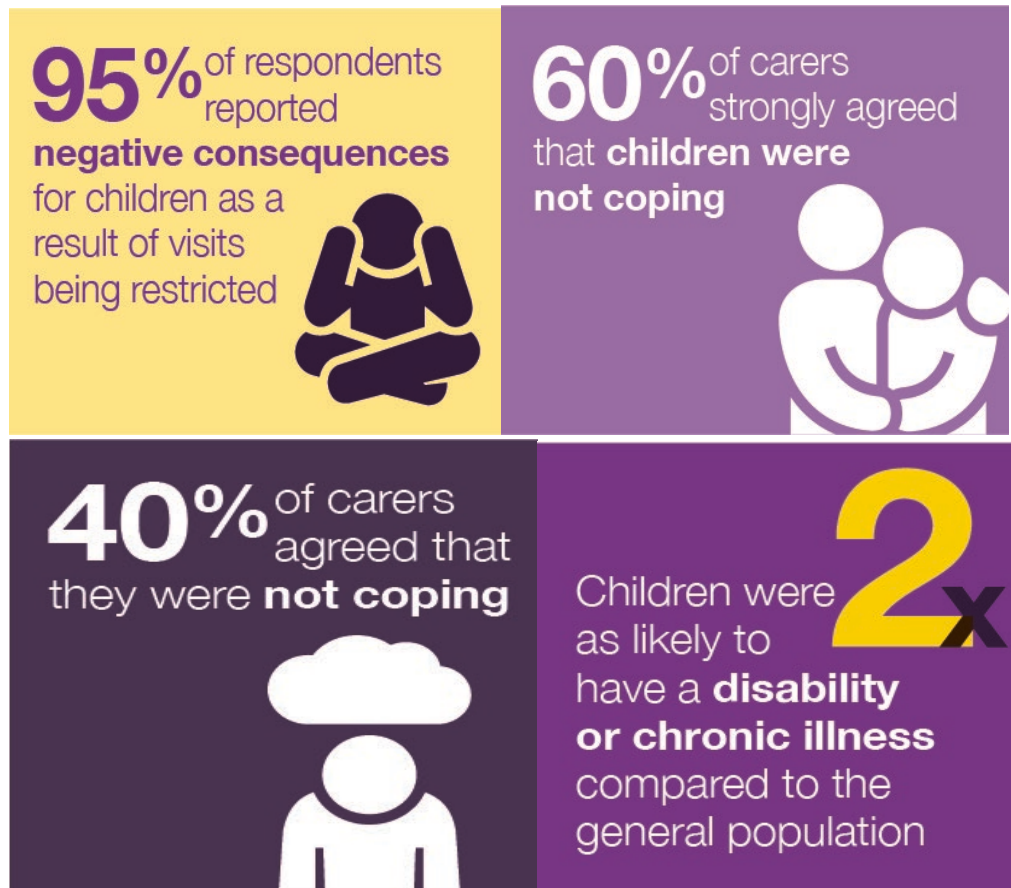
²⁷ Imprisonment rates of Indigenous women a national shame (2018)

<https://www.humanrights.gov.au/news/stories/imprisonment-rates-indigenous-women-national-shame>

²⁸ Indigenous incarceration: Unlock the facts <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

²⁹ United Nations Special Rapporteur on the Rights of Indigenous Peoples, End of Mission Statement by the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, on Her Visit to Australia (2017).

- 95% negative consequences for children as a result of visits being restricted;
- 40% of carers disagreed that they were coping; and
- 69% disagreed or strongly disagreed that children were coping with 84% disagreeing that imprisoned person was coping.



Almost all respondents (95%) described negative consequences for children as a result of the restricted visiting. More than a third (39.5%) described a negative emotional/behavioural impact on the child, including that the child was 'withdrawn, confused, sad' or that no contact 'resulted in nightmares, bad sleeping patterns and depression'. Others emphasised the immediate effects on behaviour that video visits had.

16 respondents specifically described the perceived adverse impact on children of the lack of physical contact/touch. As one respondent explained:

“My son will lose the bond with his father and won't know who he is.

“My son will lose the bond with his father and won't know who he is.

“Children are resilient but they miss holding and talking to their father. The youngest one cries after a talk on Zoom – she wants to hold him. The older one wants to hug him and play games with him – affection is very important and has been hard for them not to have it.

Another respondent described the difficulty experienced by the child in understanding the new restrictions on contact:

My daughter is struggling to understand why she cannot see her Dad, she was very close and affectionate with her Dad and now for the past few months she has not even been able to see or touch her Dad.

Some specifically noted that the lack of face-to-face contact was not only affecting the child, but the bond between the parent and child:

My kids are feeling very detached from their dad and do not even want to take his calls.

74% of carers stated that the time available for contact between the child and the imprisoned family member is **less than before** the pandemic



Existing policies and services available in Australia

Aboriginal Programs

Belonging to Family Program - NSW Dunghutti Country

In New South Wales there is a limited number of Aboriginal led solutions to supporting Aboriginal children with a parent in prison. SHINE for Kids is federally funded through the Indigenous Advancement Strategy to support Dunghutti Elders to deliver the Belonging to Family program at the Mid-North Coast Correctional Centre and in the Kempsey community. Belonging to Family aims to reduce the re-offending of Indigenous parents upon release, improve co-parenting, support family and community relationships, and increase the wellbeing of children of prisoners by reducing their developmental risks including their risk of offending, and improving their life opportunities.

For the past eight years Belonging to Family has successfully assisted incarcerated Indigenous parents and their families to address the complex issues that influence criminal behavior (poverty, drug and alcohol use, lack of cultural identity/belonging) and ensuring that support mechanisms are in place to reduce the likelihood of re-offending. The program works with the inmate, the family and community agencies to strengthen supportive family relationships and safer communities. The program adopts a whole of life approach to address influencing criminogenic factors to reduce recidivism rates and break the cycle of intergenerational offending behaviour.³⁰

This is achieved through the participation of the inmate and their partner, with support for their children and family members in the pre-release period, as well as ongoing case-management of parents in custody post-release, linking with SHINE for Kids and local community services. The gap that this unique program fills is in the delivery of a program which is grounded in Indigenous cultural values and realities that provides the skills, strategies and support needed to successfully reintegrate the inmate back into family and community; impacting the children, family and wider community.

Over a 10 week period inmates (with 6-12 months left to serve on their sentence) and their partners participate in group work through Belonging to Family. Group work aims to reduce recidivism by providing inmates with a closer bond with their children and partners; support change in families and relational behaviours to create environments in which violence (against women, children, men and within the community) is no longer considered an acceptable means of expression; to support healthy family relationships.

Participants are invited to consider their importance to, and responsibility for, their children's wellbeing, education and their future, as well as that of their partner – and increase their self-knowledge in the process

³⁰ <https://www.sbs.com.au/news/how-do-kids-cope-with-parents-in-prison>

RISE Education Support and Teacher Training

Outside of the family home, schools are the next most significant place for children. Children of imprisoned individuals are less likely to attend school regularly, less likely to achieve higher grades, less likely to pursue higher education, and less likely to find work after school – this gap widens as they move through school and later life. School settings therefore present a key access point for providing early and individualised intervention.

Indicator	General Population	Parental Incarceration
Learning disability	7.41%	15.29%
ADD or ADHD	7.09%	18.01%
Depression	1.83%	6.20%
Anxiety	3.06%	6.99%
Behavioural or conduct problems	2.62%	10.39%
Developmental delays	3.33%	6.35%

Kristin Turney Research United States 2014

The evidence shows us that parental incarceration is independently associated with learning disabilities, behavioural or conduct problems, developmental delays, and speech or language problems. This above tables is research from Kristin Turney in the United States. In this paper she states:

“I find that parental incarceration is independently associated with learning disabilities, attention deficit disorder and attention deficit hyperactivity disorder, behavioural or conduct problems, developmental delays, and speech or language problems. Additionally, numerous studies indicate a reduction in educational outcomes for children and adolescents with a family member in the justice system by the high school years studies indicate that ‘Imprisonment of a household member was associated with significantly greater odds of extended absence from high school and failure to graduate’³¹.

Unfortunately research of this nature is limited in Australia. However, through a partnership with the University of Western Sydney and our RISE Education program SHINE For Kids is trying to build that

³¹ Turney, K., (2014) “Stress Proliferation across Generations? Examining the Relationship between Parental Incarceration and Childhood Health journal of Health and Social Behavior 55: 302.

evidence in Victoria. Unfortunately, external evaluation of programs and policies for children of prisoners is poorly funded in Victoria.

SHINE for Kids' RISE Education program ensures that primary aged children receive one-on-one tutoring in the classroom weekly. A dedicated person who believes in them and can support them. SHINE currently delivers a place-based RISE program in Frankston and Brimbank with funding from Anglicare. Tailored one-on-one support in the classroom on a weekly basis ensures students don't just survive a really difficult time but thrive. Each student is matched with a mentor who supports them academically, socially and culturally. As part of RISE, SHINE also offers externally evaluated and accredited teacher training seminars. These seminars help teachers and schools better support children with an incarcerated parent.

Teachers in Victoria do not receive any training as part of their teacher degree, most schools have no policies for children of prisoners. Teachers are unaware of how best to support children with a parent in prison. In partnership with the University of Western Sydney SHINE has developed a Teacher Training program accredited by National Education Standards Australia (NESA).



Children with a parent in custody experience associative stigma, which occurs when a person is ostracized or fears ostracism because of their relationship with someone who is a member of a stigmatized group (Quinn and Chaudoir, 2009).

I still **remember clearly the painful process** of telling my friends at school that my dad was a criminal and he'd been caught. There was nothing glamorous about it. I felt ashamed and isolated (quote by Casper Walsh, *The Guardian*, May 2014).

My dad's been in prison twice now, each time for 3 years. In my old school I told this one teacher, Mr S about it because I trusted him. He was pretty cool. He asked me about my dad, things like do I see him, how was I feeling, that kind of thing. It was really helpful to me. There's another teacher in my school, Mr B, - **he was always negative, putting me down**. He didn't like me and when he found out my dad was in prison he took advantage of that. He'd say, 'you won't be anything. You're going to end up just like your dad.' I think it's better if teachers know because then they can help me if I'm (like) having a bad day or something. I think it'd be good if teachers got a kind of lesson on how kids like me feel, and what it's like for us.

Khodi (14)



SHINE for Kids receives Communities for Children funding to provide our RISE Education Program to children with a parent in prison in Frankston.

Evaluation of Impact and Outcomes

The Teacher Training was externally evaluated by University of Western Sydney with qualitative feedback from teachers outlined below:

Most beneficial content/activities from the training

- It should be a compulsory component embedded in all child related courses from early years through to high school and it should be in every school.

- The training was fantastic as this is an issue that has not been raised or discussed during pre-service teacher training
- Make it compulsory
- Its change my attitude on how I should deal with children
- Not all students will end up in the system with the right support the cycle will be broken
- Students still have a strong connection to their parent and there are many triggers through the school year with special occasions
- Really highlighted that not 'being tarred with the same brush' – all have a chance to shine
- Discussing incarceration of a parent from the child's perspective. This will help me understand what's going on for such a child and respond more appropriately and effectively.

New learning as a result of the training

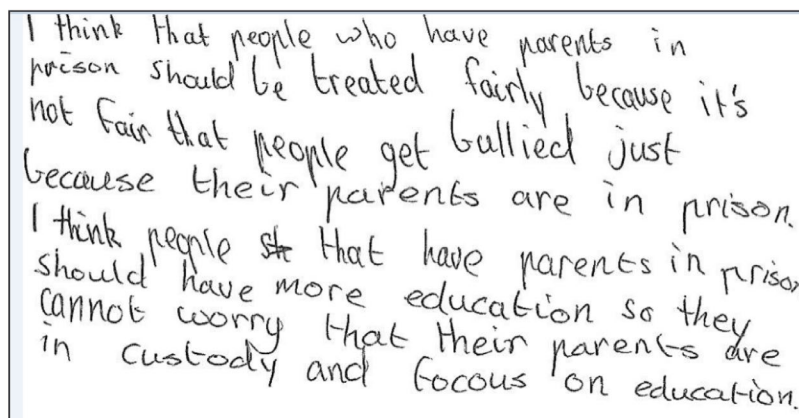
- Students require specific social, emotional and academic support whilst a parent is incarcerated. Specific things I can do as a teacher to support my students.
- Children need to visit their parents to have that bond and connection Parents should be informed about their children's wellbeing and progress at school
- School policy and how I can include these children in main stream. How I can change the use of my language and how I can incorporate things they like.



Although schools and their staff have a significant role to play in supporting children with a family member in prison, it may not always be clear to teaching and non-teaching staff how they can specifically support children who experience this issue. Furthermore, it may be that school staff have not worked with children with a family member in prison before, and they may be unsure how to approach the subject.³²

³² Children affected by the imprisonment of a family member A handbook for schools developing good practice Barnardos UK 2014.

Quite often when our RISE Coordinators contact school principals they have no idea that the student identified had a parent in prison. This is due to the lack of a reliable mechanism for informing schools when a parent with a dependent child is sent to prison and the fact that it is not something families always share voluntarily, because of perceived shame and stigma. This means that teachers are simply unable to provide effective support to children who may experience bullying, struggle academically and develop behavioral problems. A call to schools to notify teachers of the family's circumstances could make the difference in helping the child feel supported, intervening early before the associated issues take hold, and understanding and being aware of changes in behaviour. At the moment this only occurs in Victoria for children that SHINE supports in our RISE Program.



I think that people who have parents in prison should be treated fairly because it's not fair that people get bullied just because their parents are in prison. I think people st that have parents in prison should have more education so they cannot worry that their parents are in custody and focus on education.

As an established organisation, SHINE for Kids has learnt what works and what doesn't work. 96% of students in the RISE Program feel more supported in the classroom. 74% principals tell us that there is a reduction in students presenting with challenging behavior and 90% of principals said SHINE strengthens family and community functioning.

Recommendation: Extend funding for RISE Education Program and Teacher Training in 3 areas of highest need based on SHNE for Kids data Western Metropolitan, Northern Victoria and Northern Metropolitan.

Prison Invists and Child Parent Days

Keeping in touch with family members who are in prison can be very difficult, and prison visits can prove to be a daunting experience for children. Contact between prisoners and their children, especially the opportunity to visit in a family-friendly environment, has the potential to improve the wellbeing of these children and improve their outcomes.³³ Most of the research examining children visiting a parent in prison indicates that visits have a positive impact on children's well-being, their connection to the imprisoned parent and the parent themselves.

³³ Nesmith, A., & Ruhland, E. (2008). Children of Incarcerated Parents: Challenges and Resiliency in Their Own Words. Children and Youth Services Review, 30(1), 1119-1130.

Professor Dennison says prison visits can be unpleasant experiences. “Children don’t like seeing a parent wearing a prison uniform. They don’t look like their parent anymore. It’s an unfriendly, artificial environment; there are metal tables and chairs; there are lots of people around”.

“In some prisons, if a child goes to the toilet it turns into a non-contact visit and they can’t hug at the end. The whole visit runs around security and fears drugs or other contraband will be exchanged. “We know if children can’t have regular and positive contact it creates risks for their long-term wellbeing. Quality interactions with parents are important for emotional, cognitive and social development. “This can have big effects on children’s sense of identity and belonging and can trigger later problems with academic achievement and early school drop-out.”³⁴

In the Lord Farmer Review it was highlighted that prisoners who receive visits from families or partners have a reoffending rate 39% lower than those who don’t. The report highlights Lord Woolf’s inquiry into the riots at Strangeways and other prisons in 1990 and notes that one of his 12 major recommendations was that there should be:

Better prospects for prisoners to maintain their links with families and the community through more visits and home leaves and through being located in community prisons as near to their homes as possible.

Though the Lord Farmer Review discussed provisions for the families of parents in custody, the focus of the review was overwhelmingly on the parent in custody, based on findings that maintaining family ties has a positive effect on reoffending rates. Though this is undoubtedly a positive finding, and a logical area to focus efforts to reduce recidivism rates, the result has been that children of prisoners are often discussed and treated as a resource if their parents management. Therefore, despite the positive outcomes that have occurred as a result of the Lord Farmer Review, its focus on the parent in custody means that an opportunity to reduce offending in the next generation by also looking at children of prisoners best interests is notably missed.

Currently SHINE for Kids is funded to provide Invisits and Child Parent Days in 3 prisons in Victoria with children in the residual 11 receiving no support.

Evaluation of Impact and Outcomes

Recommendation: Extend the delivery of SHINE Invisits and Child Parent Days to Loddon Correctional Centre, Ravanhall Correctional Centre, Dame Phyllis Frost, Tarrengower Women’s Prison and Ravenhall correctional centres .

³⁴ I am the forgotten part of Australia’s criminal justice system TUESDAY 28 NOVEMBER 2017 3:15PM Alexia Attwood <https://www.abc.net.au/triplej/programs/hack/parents-behind-bars/9201624>

Intensive Family Case Management

Different children find different parts of the criminal justice process traumatic – for some, arrest had the most traumatic impact, for others, when their parent didn't return home after court, or visiting a parent in prison, or their parent's release. As a result, a family's presenting issues at one point in the criminal justice journey may look very different to their presenting issues at another point. Therefore, integrated family supports needs to be child focused and adaptive to the individual child and family's needs.

Since 2014, SHINE for Kids has been contracted by NSW Family and Community Services under its Targeted Earlier Intervention to deliver Child and Family Support services in Western Sydney, targeting parents, carers and children affected by the criminal justice system. SHINE for Kids Intensive Family Case Management Services is flexible and adapting to the family's evolving circumstances. Trust is built at the outset and the program responds to the family's priorities which may include arranging visits or dealing with food relief and housing in the first instance. However, over time, and as trust builds, other needs emerge which widen the supports needed included resettlement.

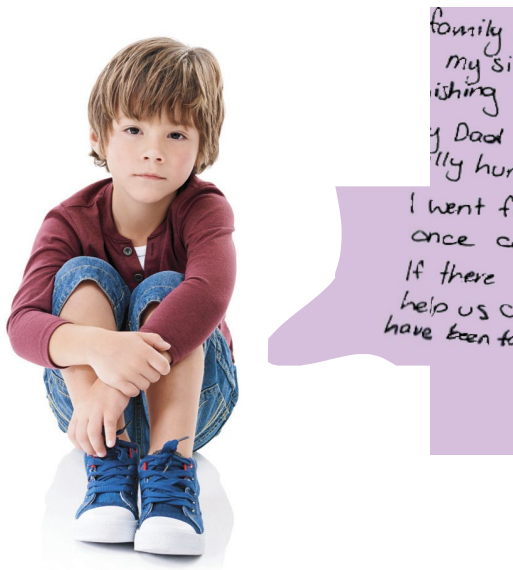
Intensive Case Management and Resettlement

The process of resettlement after release presents its own challenges to families and children, however this has been relatively under-researched compared to the impact of incarceration on families. SHINE for Kids' Intensive Family Case Management program provides support to families trying to manage the complexity of resettlement.

Expecting families to take a significant amount of responsibility for their relative's resettlement and rehabilitation may therefore put further pressure on individuals who are already experiencing considerable difficulties. Not all families will be willing or prepared to welcome their relative back into the family home upon release. Relationships may have changed significantly during incarceration, as well as family roles: family members may have become more independent and learned to cope on their own during their relative's sentence, which can be difficult for ex-prisoners to adjust to³⁵.

The incarceration of a family member could even have provided relief or a respite for families who have had to deal with challenging issues which can be associated with offending behaviour such as domestic abuse, substance misuse, or crimes being committed against family members. This program is the only existing program in New South Wales that provides tailored reintegration support for families.

³⁵ Children Of Prisoners Fixing a broken system Authors: Sarah Kincaid, Manon Roberts and Professor Eddie Kane February 2019



Program Supports for Parents in Prison

Keeping Us Together and Stay Together Play Together- QLD, NSW and WA

In all women's prisons in Queensland SHINE for Kids facilitates a Playgroup *Stay Together Play Together* with mums and bubs and the evidenced based parenting program *Keeping Us Together*.

The Keeping Us Together Program runs for 12 contact hours across three weeks for mums on remand and six weeks for mums in custody who have been sentenced.

Parents are encouraged to explore and reflect on the evolution of their parenting style and resources help them to examine the messages they pass onto their children through their behaviour, interactions and emotional reactions. Parents learn about the brain development of their children and understand how to meet their children's growing needs. Through the program, they are supported to build attentive communication with children. Parents also reflect on and explore the meaning behind their children's behaviour and develop an awareness of the cues that trigger unhelpful or ineffective responses.

The program uses mindfulness and reflection to help parents examine and improve their communication and exchanges with their children so that they may foster more respectful and positive interactions, which support children's development and positive identity. It works to address the sources of parents' negative or unhelpful attitudes.

Bringing Up Great Kids is designed to be delivered by trained parenting support workers, therapists/counsellors, community workers and other professionals working with vulnerable families.

Program materials include:

- facilitator's manual
- parenting journal
- session outlines
- interactive reflection activities
- participant sheets
- evaluation protocol

Bringing Up Great Kids has been externally evaluated by the Australian Institute of Family Studies. A mixed method evaluation was conducted across 16 Australian sites and included 94 parent participants. Participants reported having a greater awareness of how their upbringing impacted on their responses and behaviours towards their children and of being more mindful, calm and better listening in their interactions. Parents reported positive changes in their lives such as less conflict and greater calmness in their homes and more positive interactions with their children³⁶.

The Program's objectives are to:

1. Reduce distress caused by separation due to incarceration of female parents in custody who are the primary carers of children
2. Reduce trauma amongst young children caused by separation and visits to their mother in a prison setting
3. Break intergenerational cycles of crime by enabling women on remand in brief contact periods with their children to:
 - enhance the mother and child relationship
 - increase maternal sensitivity and appropriate responses to infant and child signals
 - build maternal and child strengths
 - increase mother's knowledge and skills to care for her child to enhance positive impact of existing care-giving patterns and behaviours
 - reduce negative parenting interactions
 - help develop pro social skills and behaviour management

SHINE for Kids has developed a remand specific program, a program for sentenced mothers and a program for Aboriginal and Torres Strait Islander women with funding from Queensland Corrective services and Child Safety to ensure all mothers are appropriately supported.

³⁶ Hunter, C., Meredith, V. (2014). The utility of a reflective parenting program for parents with complex needs: An evaluation of Bringing Up Great Kids. Melbourne: Australian Institute of Family Studies.

Jessica,
aged 7



I know my mum did wrong and
deserved a punishment, but [...]
we took a bigger punishment

Evaluation of Impact and Outcomes

Qualitative feedback included from the program in Queensland Women Prisons included:

I'm going to take the time I need to be patient and teach my child good messages

That even when you think you know everything this program gives you a greater knowledge of our relationships with our children

Need to remember young kids don't understand reasoning

Maybe I should work on stop, pause, play more often or situations can escalate for both of us

Being mindful of my children's actions and what they might mean and any damage I have caused so far can be repaired

Taking time for myself so I can be a better mother

It opened my mind and gave me a greater understanding of parenting from a different view

Becoming aware of the things I can reframe, recycle and throw in the rubbish.

What changes have occurred in yourself as a result of coming on the program?

What changes have occurred in yourself as a result of coming on the program?

It has made me come more aware of the different environment that helps me show my kids how much I love them and guides me how to parent them in their different ages.

How has your increased knowledge and ability to implement positive and nurturing parenting skills?

I'm more determined to do the right thing for my children.

Have you learnt anything new about yourself or your child/children as a result of coming on the program?

the program.

I have learnt so many positive parenting skills and how to show them when I reunite with them when I get out.

Support, listen, react, communicate
Seek help when needed

I will try to get help before I spiral out of control.

My beautiful child & self forgiveness
or to do my best in every moment as
a mother.

What do you hope to get out of this course?

I hope to obtain some better parenting skills and a further understanding of how to better handle and manage stressful situations, and also further educate myself for my daughter's sake.

If you were talking to another parent about the messages of this program, what might you say?

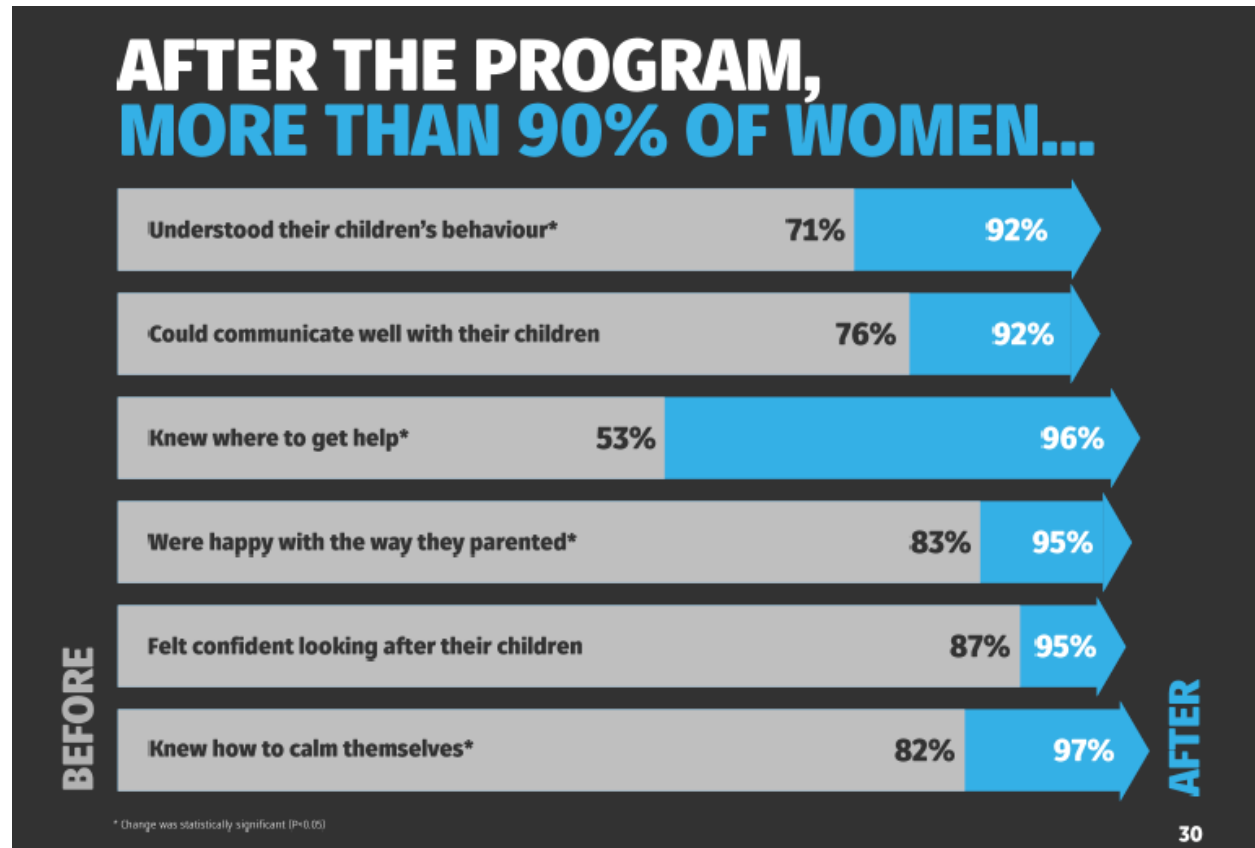
If you were talking to another parent about the messages of this program, what might you say?

The program helped me a lot about understanding how important it is to have your kids in a loved & safe environment.

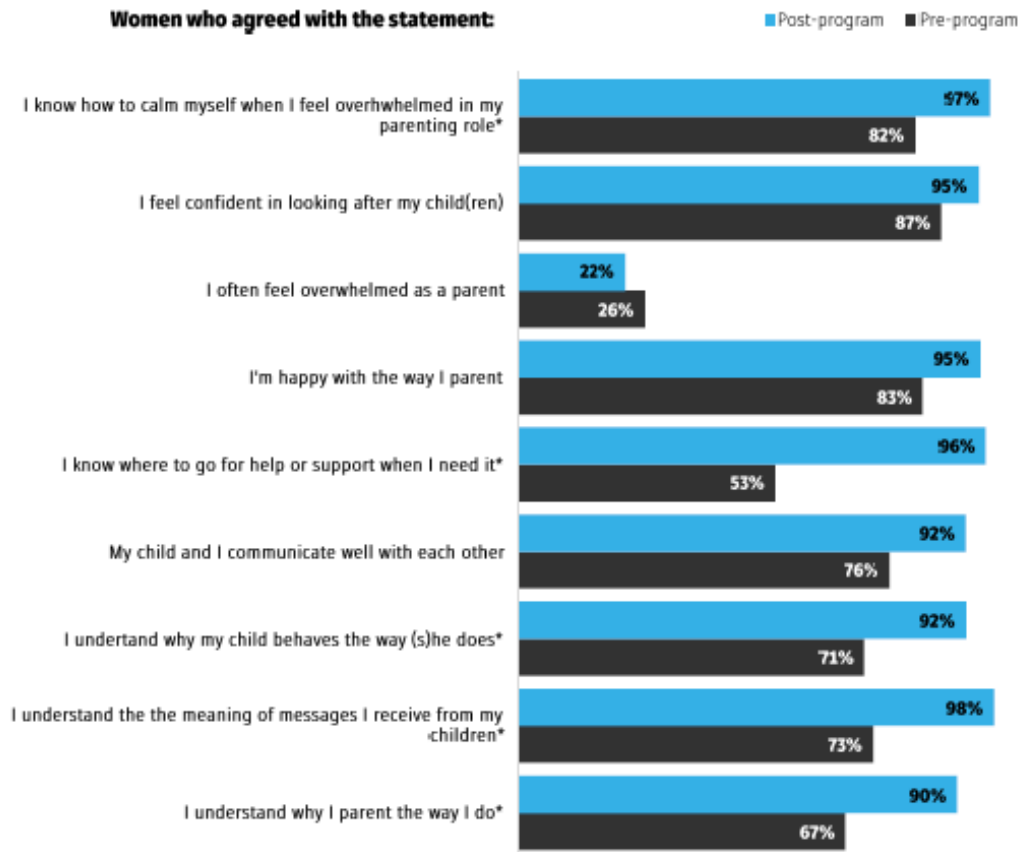
It is clear from the qualitative feedback that mums really understood the content and have developed a greater understanding of their children and strategies of self-care that they can use upon release. 88% of participants identified mindfulness or reflection as something they had learned. 88% of participants

stated that they strongly agree or agree that they now feel positive about their future and the future of their children post release. 100% of participants stated that they now know how to calm themselves down when they feel overwhelmed in their parenting role.

External Evaluation KUT Program QLD Women Prisons

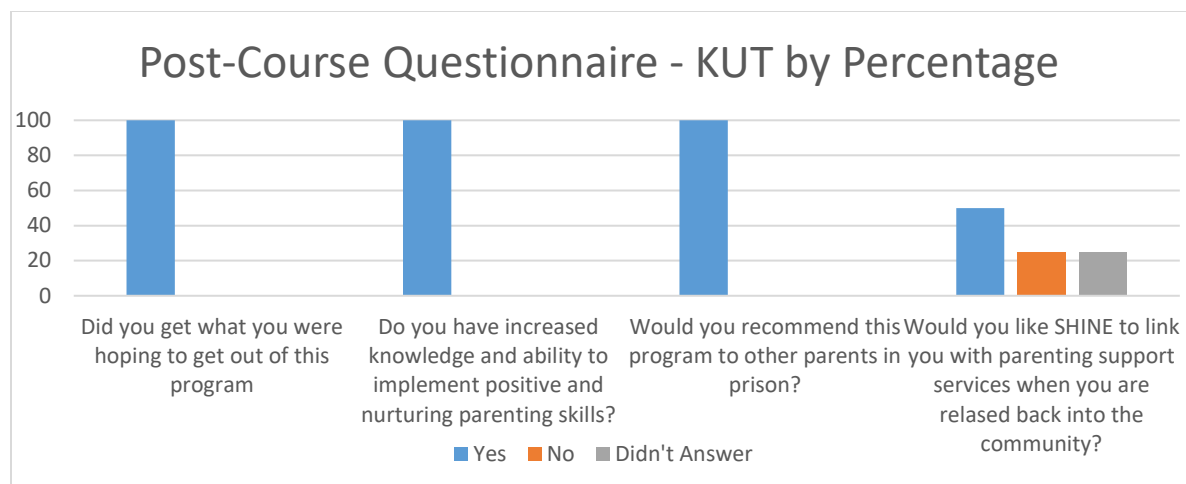


APPENDIX 3 SHORT TERM PROGRAM OUTCOMES



SHINE for Kids also delivers Keeping Us Together in 9 correctional centres nationally within both state ran and private ran prisons.

Internal Evaluation Keeping Us Together Dad Acacia Western Australia



Recommendation: Deliver the Keeping Us Together program at Barwon, Marngoneet, Melbourne Remand Centre, Loddon Correctional Centre and Ravenhall Correctional Centre

Play Together Stay Together Playgroup

In partnership with Queensland Corrective Services SHINE for Kids runs a facilitated playgroup for children who reside with mum in custody and who come into the complex from the community. This enables SHINE for Kids to see teachings from the Parenting Program implemented and incarcerated parents empowered to run activities with their children. In Southern Queensland Correctional Centre a volunteer mum takes responsibility for setting up the activities and packing them away. Incarcerated mums decide which activity station to attend and what activities to run. In addition, the visiting area where the Playgroup is run is decorated with soft comfortable children furniture including bean bags. Within the space is age appropriate books, games, toys and play rugs for the children is set up in a room connected to the main visiting area. This creates a child focused space and play area for families. The space at Southern Queensland Correctional Centre also includes digital games for older children which is critically important. SHINE for Kids data shows that only 5% of our clients are aged 13-18 with most services and supports focused on younger children.

This idea of parent ownership extends to the visiting area at Numinbah Correctional Centre where the walls of the visiting room have been painted by parents. This simple modification brightens the room and makes it more welcoming for children and families during the Playgroup and standard visits.

6. What do you as a parent/caregiver enjoy most about playgroup?

My Son learns new things Every
Day..

6. What do you as a parent/caregiver enjoy most about playgroup?

Socialising with other mums and
the different activities

6. What do you as a parent/caregiver enjoy most about playgroup?

the support from other mothers that come to playgroup.

6. What do you as a parent/caregiver enjoy most about playgroup?

Sit and try and interact with my child in
learning to play with toys.

The Playgroup is also delivered with dads in Western Australia's Acacia prison but has been impacted due to COVID-19.

Recommendation: Deliver the Play Together Stay Together Playgroup at Barwon, Marngoneet, Melbourne Remand Centre, Loddon Correctional Centre and Ravanhall Correctional Centre

Program Supports Living with Mum Program Corrective Services Victoria

Corrections Victoria acknowledges that many women prisoners provide the primary care of their children. The Living with Mum (LWM) Program aims to assist women prisoners (where practicable) who are primary caregivers of young children to maintain their bond and attachment while incarcerated.

The LWM Program encourages the mother-child relationship, by allowing young children to live with their mother in custody and provides pregnant prisoners with ante- and post-natal health services.

Children are deemed as "residents" of the LWM Program, which ensures that the best interest of the child is maintained through nutritional, developmental and health needs and where the management, good order and security of the prison is upheld.

The overarching aim of the LWM Program is to diminish the impact of the mother's imprisonment on her dependent child/children. It is also recognised that the LWM Program supports the family ties that are essential to the effective rehabilitation of mothers and their successful reintegration into the community upon release³⁷.

³⁷ <https://www.corrections.vic.gov.au/commissioners-requirements-part-3> 3.1.1.

To be eligible, an applicant must be a woman who:

- expects a custodial sentence or is received into prison custody who can demonstrate that they were the primary carer of their infant or pre-school child prior to their imprisonment.
- is pregnant and is due to give birth while in prison.

The LWM Program is available in Victoria's two women's prisons, the Dame Phyllis Frost Centre (DPFC) and Tarrengower Prison

Specific Supports for Children with a Dad in Prison

It is well known that the majority of Australians in prison are men. Around half of these men are dads and more than one in 10 prisoners are said to be the primary carer for the children. It has long been established that helping dads in prison to maintain a relationship with their children has health and social benefits for both dads and children. According to a literature review by Victorian researchers, maintaining contact allows dads in prison to provide emotional support to their children, helps them feel appreciated and closer to their children and contributes to positive parenting, ongoing involvement and reduces reoffending post-release.

There is a distinct lack of support for fathers in prison, acting as a barrier towards maintaining father-child relationships. Findings indicate that 79% of the fathers in this study were never offered any parenting support services or programs.³⁸ Some comments from dads in that study when asked about parenting program and support for children stated:

Nothing. Jails more interested in handing out methadone programs than childcare programs. ("Steve," Medium Security Prison)

Nothing. What?!! (laughs) . . . We don't get any help like that. ("William," Minimum Security Prison)

Don't think anything's really been offered but at the same time I've never really sought assistance. Any help I've needed I've asked friends and family to help out there. ("Frank," Maximum Security Prison)³⁹

SHINE For Kids provides Invisit support and Child Parent Days at Barwon, Marngoneet and Melbourne remand Centre. Nationally, SHINE for Kids provides supports in 32 prisons. In Victoria SHINE for Kids is only funded to work in 3 prisons where we have a dedicated Child and Family Coordinator who is early childhood trained to run age and culturally appropriate activities in the visiting area. There are 14 prisons in Victoria with 11 state ran and 3 private prisons. This means families and children can be supported for a number of years but once dad is transferred to a prison where there are no SHINE services that support ceases. SHINE for Kids regularly receives requests from correctional officers, inmates, and families on the outside to provide services in all Victoria prison. Support for children of

³⁸ Did We Forget Something? Fathering Supports and Programs in Prisons in Victoria, Australia. International Journal of Offender Therapy and Comparative Criminology 2019, Vol. 63(8) 1465–1481

³⁹ Ibid

prisoners should not be dependent on the luck of the draw in having a parent placed in a complex where government has acted on its responsibility to fund programs that meet their needs.

Program Support: Ride By Your Side Transport

Transport remains a barrier to children maintaining contact with their incarcerated parent. In many cases, prisoners are moved between facilities several times throughout their sentence, often rendering children unable to visit. SHINE for Kids is funded to provide transport for children with a parent in prison visiting Barwon, Marngoneet and MRC.

Case Study:

Logan & Rebecca-RBYS

In end of September 2021, SHINE was contacted by a family in need of support as the children were feeling isolated and lost after their father's arrest. Unlike most children their age, Logan and Rebecca were living at home while their father is in custody and the family felt unable to share their experiences with the people around them due to perception stigma and shame in the community.

Mum wanted her children to have a regular visits with their father, so that they would still have a positive relationship and be able to see that he was okay. However, she didn't want any contact with her ex-husband herself, which is why the family was referred to the RBYS transport and mentoring program. Unfortunately, due to the uncertainty of the COVID lockdown the family was unable to have an in person visit. While prisons offered video calls as a replacement, due to the children's ages and connection issues the family had been prior to contacting us unable to see their dad regularly online.

Now that SHINE for kids is on board and helping with regular AVLs and provides a volunteer mentor to support the kids, Logan and Rebecca look forward to their special time with their mentor, learning, engaging and doing letters/drawings for dad (and mum). They both have a very clear understanding that when lockdown restrictions ease their mentor is planning on taking the children in for an in-person contact visit with dad. For now Mum stated they are doing so much better and the kids really enjoy the online mentoring sessions with their volunteer but can't wait to see dad.

Without services around to provide support to children with a parent or loved one in custody, these children miss out on the opportunity to develop and maintain family bonds. By sharing the stories of the children, we work with, SHINE hopes to give a voice to the impact parental incarceration has on these invisible victims of crime.

Evaluation of Impact and Outcomes

Recommendation: Extend the Ride By Your Side transport program to Dame Phyllis Frost, Tarrengower Women's Prison, Ravenhall, Loddon and Fullham Correctional Centres.

Policies and services Internationally

Irish Prison Service Family Links Program - Ireland

This program's strategic objective is 'supporting the families of offenders in maintaining stable relationships by offering prisoners and their partners an opportunity to invest in the family unit'. Recognising the impact of family relationships on recidivism underpins this initiative, alongside an overarching vision to address multi-generational offending. The program involves two core elements:

1. increased awareness and support amongst prison staff on the importance of prisoners maintaining good family relationships; and
2. delivery of a parent education program for parents in prison and their partners.

A review of the program found that:

- Family Links enhanced empathy for parents amongst prison staff, and raised awareness in relation to the benefits of a child friendly prison.
- Participants found that communication with their children improved; empathy for each other enhanced, and for the women, an acceptance that self-care is important.
- Families experience stigma; isolation and financial strain.
- Imprisoned Fathers struggle with their identity as a father and as a prisoner.
- Communication improved between fathers and mothers after the course.

In a 2017 pilot a total of 15 families – with 28 children whose fathers were in prison took part in a pilot project over 18 months. An evaluation report, authored by Professor Orla Muldoon and Daragh Bradshaw, finds that imprisoned fathers who maintained a positive relationship with their children are six times less likely to reoffend.⁴⁰

Minister for Justice Frances Fitzgerald has stated that the program should have an “enormous impact” on the prison service and society at large. “The Family Links Initiative is highly innovative in many aspects: the engagement of multiple stakeholders in its delivery, the direct involvement of prisoners’ families and the evidence based approach all contribute to a potentially highly effective intervention.”⁴¹

She went on to say that intergenerational crime within families can be interrupted if the system can help change and support family relationships while a family member is in prison.

Director General of the Irish Prison Service Michael Donnellan said “*an evidence based approach to improving prisoners’ relationship with their families, and the role model which fathers provide for their children, will reduce criminality and ultimately be of great benefit to society*”.⁴²

⁴⁰ Bradshaw, D., & Muldoon, O.T. (2017) “Family Links” Evaluation Report. Dublin: Childhood Development Initiative (CDI).

⁴¹ <https://www.thejournal.ie/family-prisoners-reoffending-3237518-Feb2017/>

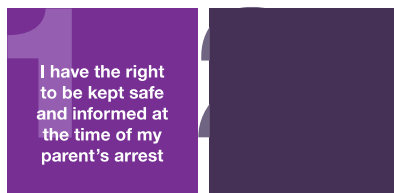
⁴² <https://www.cdi.ie/2017/02/call-for-prisoner-parenting-programme-to-be-expanded/>

The Children of Incarcerated Parents Bill of Rights- United States of America

We encourage the Committee and beyond in the Victorian Parliament to not just view children with a parent in prison through the lens of their parent's crime or at their potential cost to the state but recognise and protect their human rights as outlined under the Convention on the Rights of the Child. We particularly encouraged the Committee to consider the Incarcerated Parent Bill of Rights created in 2003 by the San Francisco Partnership for Incarcerated Parents. Particularly,

- Number 5: I have the right to speak with, see and touch my parent;
- Number 6: I have the right to support as I struggle with my parent's incarceration; and
- Number 7: I have the right not to be judged, blamed or labeled because of my parent's incarceration.

Victoria has shown leadership with its own bill of rights, it can again for children with a parent in prison across the State.



*The Children of Incarcerated Parents Bill of Rights.
The San Francisco Children of Incarcerated Parents Partnership.
2005. <http://www.sfcipp.org>*

Read along Dads- United Kingdom

One U.K.-supported contact program for fathers is Storybook Dads⁴³. This service is offered throughout the United Kingdom and involves a father reading along to a book and recording his voice. The book and CD are then sent to the child who can read along to the book while listening to their father's voice. In Victoria, Read Along Dads (based on Storybook Dads) is delivered in one correctional facility. SHINE for Kids delivers the Storytime Program NSW, ACT and WA with mums and dads in custody.

⁴³ <https://www.storybookdads.org.uk/>

"My daughter is 15 months old and being able to have a story from her dad is amazing. I've not seen her so happy in a long time. She listens to it every night before bed and it helps her remember his voice and stops him being a stranger. It also helps me because when I miss him so much and just need to hear his voice, I play it and I feel close to him again. It makes the hurt and confusion a lot easier to handle. Thank you so much for making this tough time that bit easier"



At the Clarence Correctional Centre and Macquarie Correctional Centre in New South Wales SHINE for Kids has helped parents create their own story, design the book and record it for the child. We have heard stories from our families of children not being able to put the books down and taking them to bed with them.

Tips from Expert: Dr. Wendy D. Williams, Deputy Commissioner, Alabama Department of Corrections- United States

"From my experience as a corrections administrator, the culture of an agency and facility climate may often present barriers to implementing positive changes in visitation and other family-centered practices. Staff education and training are critical when an agency attempts to shift a culture from a punitive philosophy to more of a restorative and supportive environment that prepares offenders for transition and reentry. It's a slippery slope at times, due to the nature of the environment in which we work. We have an obligation to ensure that our staff and offenders are safe, but we also have a moral responsibility to prepare offenders for transition back into our communities. Both of these primary goals can be accomplished simultaneously, but staff must understand their role in the day-to-day interactions they have with the offenders. Staff have to understand why the changes are necessary, which will require education that includes lengthy discussions of best practices and how those practices will positively impact the lives of offenders and the working environment inside the prisons. As often as possible, involve staff in the decision making and planning processes before implementation begins, which will build support and create champions among the workforce. Another great tool is to utilize key staff (champions) on the training facilitation team(s). This gets to the core of changing the culture inside the facility. When staff attend a training session that their peers are facilitating, it will often bring more credibility to the conversation and discussions

Need for a National Approach

Although instances of good practice exist in Victoria these are isolated examples, which are not bolstered by any overarching national policy or advocate that examines and reports on the impact of incarceration on children with a parent in prison The service system relies on SHINE for Kids to advocate and provides services and supports at a state level.

State and National policy guidelines for children with a parent in prison is needed which both identifies children of prisoners as a specific group, and designates accountability for supporting them across government departments. This cross-departmental responsibility and guidance would help avoid the policy and departmental drift for these children, reflected in their current status as a group who are not specifically accounted for in policy and strategy.

The development of *Prevention of Intergenerational Involvement in the Criminal Justice System Strategy* at the national level would ensure quality programs and policies are developed to support children of prisoners.

An opportunity exist for Victoria to take a leadership position and ensure a national survey on parenthood of prisoners is conducted to ensure early prevention services and support nationally and we encourage collaboration between states to ensure best practice service provision is shared. Victoria can lead again, both within the State and as a champion nationally.

A national study in partnership with SHINE for Kids would ensure that the voices of children of prisoners inform program and policy design. SHINE for Kids are available to help guide and support this work to ensure the best outcomes for children and families. In the interim SHINE for Kids have obtained a small amount of philanthropic funding to commence this work to ensure policy and programs are evidenced informed.

SHINE for Kids convenes a Practice Research and Advocacy Meeting (PRAM) that is perfectly placed to lead research and evaluation initiatives and should be funded to do so.

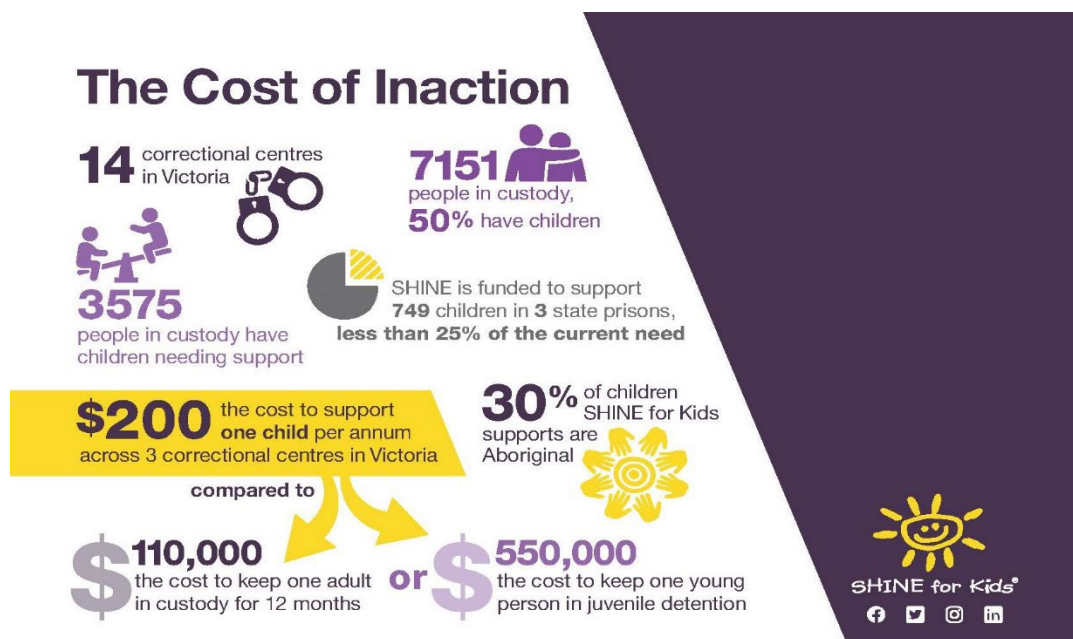
Investment Logic

Current government funding for children with a parent in prison in Victoria is \$200 per child for 12 months' worth of support and is only provided across 3 prisons this enables SHINE for Kids to support 749 children but less than 25% of the current needed. This is in contrast to the cost of \$110,000 per year to keep on adult in custody for 12 months or \$550,000 to keep one young person in juvenile justice. The cost per day, per young person subject to detention-based supervision on an average day is \$1,446.36.⁴⁴ Based on research in NSW, 374 of those young people are at risk of entering the juvenile justice system at a future cost to the state of \$205 million dollars.

In order to support those 749 children SHINE for Kids is required to obtain philanthropic funding to fill the gap of the current government funding. Over the last three financial years SHINE has had to consistently obtain philanthropic funds to be able to service the 749 children needing support.

Financial Year	% Government Funding	% Philanthropic Funding
July 2018 To June 2019	54%	46%
July 2019 To June 2020	47%	53%
July 2020 To June 2021	52%	48%

⁴⁴ Productivity Commission (2016) [Report on Government Services 2014-15: Youth Justice](#), Productivity Commission, Canberra, Table 16A.24



Conclusion

There are many challenges to both multiagency work and work within the prison system. For the most part families affected by imprisonment are on the margins of the educational, health and welfare systems. Families on the margins are those most in need and about whom the least understanding is available. Therefore the importance of continued support of initiatives outlined and evaluations cannot be understate or undervalued. Most importantly it can't continue to be underfunded.

A holistic approach requires the involvement of corrections, health, education, housing and social welfare services, among others. As outlined by Lord Farmer:

I do want to hammer home a very simple principle of reform that needs to be a golden thread running through the prison system and the agencies that surround it. That principle is that relationships are fundamentally important if people are to change.

Whilst some progress has been made in recognising the value of maintaining family ties for the offender, there is much more that needs to be done to both recognise, and realise, the mutual benefits of maintaining and strengthening ties for an offender's family and children. Maintaining family ties is not only predictive of more successful desistance from offending, but also improves social outcomes for children with a parent in prison. A whole family, holistic approach is a win-win situation both within and outside the criminal justice system. However, the current system does not provide any shared objectives to facilitate the joint working that is required to provide a coordinated, whole family approach.

Incarcerated parents should be recognised as having responsibility to their children, wanting to be involved in their children's lives, and helping make parenting decisions. Yet, incarceration disrupts familial ties and makes it difficult for incarcerated parents to maintain or mend relationships with their

children. In part, this is because correctional facilities have policies and practices that govern contact between incarcerated people and people on the outside. These policies and practices can present barriers to parents' ability to interact and communicate with their children and the individuals and systems that affect their children such as co-parents, caregivers and other family members, teachers, and counselors.

Though many of these policies and practices are in place to ensure the correctional facility is safe and secure, the existing body of evidence suggests that policies that encourage parent-child contact offer benefits that do not compromise a facility's safety or security. For instance, several studies conclude that policies that provide incarcerated people opportunities to communicate and interact with their families, through visits and other methods, improve their well-being and adjustment to the correctional environment and lower misconduct and violence in the facility. Increased communication and interaction with family members also lower recidivism rates for incarcerated people after release.⁴⁵

SHINE for Kids acknowledges the many excellent family services working in custody and in community to support families and ensure prisoners and families are able to stay in touch. We particularly want to acknowledge VACRO who have been a leader in this space. Whilst these services are providing excellent supports individually, and have built significant expertise over time, their presence does not conceal what is effectively a systemic failure of public services to find a way to join up their systems.

We acknowledge the incredible work of carers and family members on the outside who provide support for children of prisoners during their parent's incarceration.

We look forward to discussing our programs and initiatives further to ensure that children of prisoners don't just survive a difficult time in their life but thrive.

SHINE for Kids would be pleased to provide a Supplementary Submission with Recommendations fully costed to ensure children with a parent in prison in Victoria are supported to thrive. We remain a resource for this committee and Parliament.

⁴⁵ Bryce Peterson, Jocelyn Fontaine, Lindsey Cramer, Arielle Reisman, Hilary Cuthrell, Margaret Goff, Evelyn McCoy, and Travis Reginal (2019). Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximizing Safety and Security, Washington, DC: Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC).