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Testimony before the District of Columbia Council
Committee on the Judiciary and Public Safety
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INTRODUCTION

Thank you for the opportunity to submit testimony. This testimony is submitted on behalf of the Children's Law Center¹ (CLC). CLC is the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent more than 2,000 low-income children and families, focusing on children in foster care and children with disabilities. Many of our clients have an incarcerated family member.

CLC thanks Councilmember Bowser for introducing the Video Visitation Modification Act ("Act") and supports reinstating in-person visitation at the DC Jail. The Act is an important positive step for children whose parents or adult family members are incarcerated. A parent or adult family member's imprisonment can cause significant trauma to a child – trauma with long-lasting effects. Regular visitation plays an important role in easing this trauma and, as experts and policymakers across the country recognize, in-person visitation is often the best way to ensure that a child maintains healthy relationships with the important adults in his or her life. Restoring the option of in-person visitation will benefit many of the District's children, who unfortunately, are coping with the loss of a parent or family member to the criminal justice system.

EFFECTS OF PARENTAL INCARCERATION ON CHILDREN

Children of incarcerated parents are among our communities' most vulnerable. On average, they experience significantly more childhood adversity than other children, often coping with exposure to poverty, violence, parental addiction and mental illness, family

disruptions, and a variety of community problems (community violence, drug activity, inadequate schools, and delinquent peers).² When a parent or adult family member is incarcerated, the child's environment often becomes destabilized. The loss of a caregiver, an economic provider, and/or an important emotional connection can deeply hurt a child.

Research shows that children of incarcerated parents often struggle with poor emotional, behavioral, and psychological development compared to their peers.³ Incarceration of a parent can cause a child to feel grief, anxiety, and isolation, as well as symptoms of post-traumatic stress.⁴ These feelings can lead to aggressive behavior, problems concentrating, and depression,⁵ and have real-world consequences for children's daily life and functioning. A survey of children of incarcerated parents in Virginia, for example, found 38% of the children between the ages of 5 and 12 years were beginning to exhibit behavior problems in school and that 18% showed diminished academic performance in the previous year.⁶ 41% of the 12 to 18 year-olds surveyed had been suspended from school and 38% showed a drop in academic performance in the previous year.⁷ Further, there is some evidence that children of incarcerated parents are more likely than their peers to become involved in the juvenile justice or adult criminal justice system themselves, creating a cycle of criminal involvement and incarceration that extends across generations.⁸ While a particular child's reaction to parental incarceration will depend on a variety of factors, the risk factors for children who lose a parent to jail or prison are undeniable.

IMPORTANCE OF VISITATION

Given the instability that we know exists in these children's lives and the risk factors they face, it is important to preserve a child's sense of stability when his or her parent or adult

family member is incarcerated. Safe and consistent visitation with an incarcerated parent or adult family member can play an important role in doing so.

Among many benefits, visitation allows children to maintain existing relationships, helps them to cope with separation and loss, calms anxiety by assuring them that their incarcerated family member is safe, and allows a child and his or her parent to prepare for reunification.⁹ Additionally, regular visitation has been shown to lessen the likelihood of parental recidivism, which in turn saves the child from future disruptions.¹⁰

However, all versions of visitation are not equal, with researchers emphasizing that in-person visitation, particularly contact visitation, is beneficial to children.¹¹ Recognizing this, corrections agencies across the country have implemented policies that increase – not decrease – direct, in-person interaction between children and adults.¹²

While, in recent years, states have explored videoconferencing, many experts and policymakers agree that that visits by video conference are a secondary option. In its report on video visits, for example, the Sentencing Project notes that video-conferencing is likely to benefit children most when used in addition to, rather than in place of, in-person visits.¹³ Video visitation may complement in-person visits, or may be used in states where distance and transportation costs make visitation difficult, but are not a substitute for true, in-person visits.¹⁴

CONCLUSION

The Video Visitation Modification Act reinstates in-person visitation, which is important to helping children with incarcerated parents and adult family members cope with separation and trauma. CLC urges the passage of the Act. Thank you for the opportunity to testify.

¹ Children’s Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District’s laws, policies and programs. Learn more at www.childrenslawcenter.org.

² Phillips, Susan D. *Video Visits for Children Whose Parents are Incarcerated: In Whose Best Interest?* The Sentencing Project (2012), p. 1. http://sentencingproject.org/doc/publications/cc_Video_Visitation_White_Paper.pdf

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Virginia Commission on Youth. *Children of Incarcerated Parents, Commission on Youth Document* (2002), p. 11

⁷ *Id.*

⁸ Women in Prison Project of the Correctional Association of New York. *When “Free” Means Losing Your Mother: The Collision of Child Welfare and Incarceration of Women in New York State* (February, 2006), p. 9.

See also, the Virginia Commission on Youth report cited, *supra*, note 6. The same survey that found declining school performance among children of incarcerated parents found that 31% of children between ages 12 and 18 who were surveyed had some contact with the police.

⁹ University of New Mexico School of Law, Corinne Wolfe Children’s Law Center. *Connecting Children With Incarcerated Parents* (2011), pp. 2-3. <http://childlaw.unm.edu/docs/BEST-PRACTICES/Connecting%20Children%20with%20Incarcerated%20Parents%20%282011%29.pdf>

¹⁰ *Id.*

¹¹ *Id.*

See also, Vermont Legislative Research Services report, which acknowledges that video conferencing may be viable, but also warns that “[c]orrections administrators should be cognizant that traditional contact visitation is the best means of communication between children and their incarcerated parent” The University of Vermont, James M. Jeffords Center Vermont Legislative Research Services. *Prison Video Conferencing*, p. 2.

<http://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf>

¹² For example, a 2009 report by Council of State Governments identifies promising state and local government programs designed to strengthen parent-child relationships when a parent is incarcerated. Many of the highlighted programs cited, including both of the visitation-specific programs, focus on increasing direct contact between parents and children, particularly young children, or on making prison facilities more hospitable to child visits. Nickel, Jessica, Garland, Crystal, and Kane, Leah. *Children of Incarcerated Parents: An Action Plan for Federal Policymakers*. Council of State Governments Justice Center (2009), p. 14.

http://www.f2f.ca.gov/res/pdf/Children_of_Incarcerated_Parents.pdf

¹³ Phillips, *supra*, note 1, p. 14.

¹⁴ *See, supra*, note 9, p. 2.

The Council of State Governments report cited, *supra*, note 10, also briefly mentions teleconferencing and videoconferencing, recommending videoconferencing as a “complement” to in person visits. Nickel, Garland, and Kane, p. 18.