

Via email: julie.swaby@dc.gov

August 21, 2018

Julie Swaby, LICSW, CPM, LSSGB
Office of Planning, Policy, and Program Support
DC Child and Family Services Agency
200 I Street, SE
Washington, DC 20003

Re: Engaging Incarcerated Parents Policy, Business Process, and Tip Sheets

Dear Ms. Swaby:

Thank you for the opportunity to comment on the drafts of the Engaging Incarcerated Parents policy, business process, and companion tip sheets. I am submitting these comments on behalf of Children's Law Center (CLC).¹ We serve as guardians *ad litem* (GALs) for hundreds of children in foster care and represent foster parents and relatives caring for children who are in or at risk of entering the District's child welfare system.

CLC offers the following comments to assist the Child and Family Services Agency (CFSA) in its efforts to "provide guidance to social workers to engaging incarcerated parents through strengths-based case management that is aimed at securing well-being and positive permanency outcomes for children and their families."² These comments were prepared after reviewing drafts of the following documents:

1. Policy Title: Engaging Incarcerated Parents
2. Business Process: Engaging Incarcerated Parents
3. Practice Tips: Incarceration Engaging Parents and Supporting Children
4. Tip Sheet: Visiting Incarcerated Parents
5. Tip Sheet: Family Visitation at a DYRS Facility
6. Tip Sheet: Family Visitation at the DC Department of Corrections

Comments Related to the Policy

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who are not learning in school, or who have health problems that cannot be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² CFSA. *Draft Policy Title: Engaging Incarcerated Parent*, at 1, §III. (May 4, 2018).

CLC applauds the strong, child-centered rationale that CFSA offers in its draft policy. The rationale found on page one clearly summarizes the impetus provided by equity, social science, and the agency's mission. Wherever possible, CLC encourages CFSA to repeat this rationale so that social workers will be reminded of and encouraged by the importance of their efforts to facilitate the connection between children and their incarcerated parents.

CLC suggests that CFSA edit VII. Section C to require social workers to notify the parent's child abuse and neglect case attorney ("parent's attorney") of any difficulties or delays they encounter when facilitating contact or visitation between a child and the incarcerated parent. Notifying the parent's attorney will facilitate communication with the parent, allow the attorney the opportunity to help the social worker overcome the difficulty, and minimize any delay in contact. Similarly, we recommend that the social workers be required in VII. Sections F and G to contact the parent's attorney to identify and resolve any communication barriers and to notify the parent's attorney about case planning meetings.

Lastly, CLC offers the following suggested edits to the policy for CFSA's consideration:

- IV. Policy- "In all case management, including when a parent is incarcerated or under another form of correctional supervision, CFSA utilizes a team approach to ~~securing~~ secure successful outcomes. This approach ~~that~~ relies on assessments of the child and family members, and coordination and collaboration among all involved agencies, organizations and individuals."
- Include a link to the Tip Sheet referenced in VII. Section E.1.

Comments Related to the Business Process

The policy's "Sections" and the business process's "Procedures" contain the same seven parts:

- A. Locating Incarcerated Parents
- B. Contact with Correctional Authorities
- C. Engagement with Incarcerated Parent
- D. Assessment
- E. Preparing the Child for Contact
- F. Preparing the Parent for Contact
- G. Case Planning with Incarcerated Parents

The business process's "Procedures" offers a more detailed explain of the policy's "Sections." Please note that the following subsections provide substantive comments on business process's "Procedures," but that these comment can be applied more generally to the policy's "Sections."

Comments Related to "A. Locating Incarcerated Parents"

CLC recommends that CFSA consider four changes to Procedure A. First, we recommend that CFSA insert a definition of "case manager" on page 2, the first time that the phrase appears in this document. Next, Procedure A.3. may be an ideal place to provide a prompt to social workers to "contact government agencies and community resources" to check

for new location information.³ Additionally, Procedure A.3.b. could also prompt social workers to contact the parent's attorney to try to locate the parent.

Lastly, we recommend that CFSA ensure that the policy and the business process establish a more frequent (and more unified)⁴ requirement relating to the social worker's efforts to locate an incarcerated parent. We urge CFSA to reconsider its mandate for social workers to attempt to locate incarcerated parents every 90 days. A location attempt every 90 days seems incongruent with the agency's commitment to "ensure incarcerated parents are involved in the lives of their children and to strengthen family relationships."⁵ The first steps to ensuring parental involvement is locating the parent. Delays in locating the parent will likely result in delays to parental involvement with visitation and case planning. Additionally, the 90-day requirement seems inconsistent with the business process' requirement that the social work make contact with the parent no less than every 60 days at the initial contact.⁶ Similarly, given how quickly children develop, an attempt to contact every 90 days could lead to a delay in the parent's ability to positively influence the child's development. Therefore, we suggest that the policy and the business process be edited to require social workers to attempt to locate an incarcerated parent every 45 days.

Comments Related to "B. Contact with Correctional Authorities"

Generally, CLC suggests that CFSA consider reorganizing Procedure B or divide it into two procedures that distinguish between the expectations pertaining to the social worker's contact with correctional authorities and the steps that the social worker should take when planning visits. More specifically, we offer the following comments relating to contact with correctional authorities. We support CFSA's requirement for the social worker to involve the parent's case manager in the planning for visitation, but we think this requirement could be strengthened by delineating what information the social worker should solicit from and provide to the case manager during this planning process. To that end, CLC recommends that the assigned social worker ask the case manager whether there are any special visiting programs available, what supports are available to help prepare for and debrief the visits, and how the parent responds after the visit is over. Additionally, we recommend that the social worker notify the parent's case manager of "disputes pertaining to the visitation arrangements."⁷

Procedure B has several paragraphs that specify actions the social worker should take when planning visits independent of the correctional authorities. These paragraphs could become their own Procedure or be integrated into other Procedures. Regardless of the locations of these requirements, we do offer some substantive recommendations. First, we are convinced that it is in the child's best interest to be made aware of the lack of confidentiality that exists in correctional facilities. To that end, we request that the social worker notify the child's GAL of the visitation schedule (and any changes thereto) so that the GAL can discuss confidentiality

³ CFSA. *Draft Business Process: Engaging Incarcerated Parent*, at 3, II. C. Engagement with incarcerated Parents, 2.e. (August 6, 2018).

⁴ Upon our review, the policy requires the social worker to attempt to locate a parent every 90 days and the business process does not provide any frequency requirements.

⁵ CFSA. *Draft Policy Title: Engaging Incarcerated Parent*, at 1, §IV. Policy. (May 4, 2018).

⁶ CFSA. *Draft Business Process: Engaging Incarcerated Parent*, at 3, II. C. Engagement with incarcerated Parents, 1. (August 6, 2018).

⁷ CFSA. *Draft Business Process: Engaging Incarcerated Parent*, at 2, II. B. Contact with Correctional Authorities, 3. (August 6, 2018).

with their child client. Next, because children have an interest in their parent's release, we suggest that social worker's be required to share the parent's release date with the child's GAL, service providers, and parent's attorneys. This information sharing will allow the parties to work together to disclose this information to the child and support the child thereafter. Furthermore, it is important that paragraph 6 comport with the authority of the court, as it is the entity that can decide whether contact with the parent is in the child's best interest. We suggest that this paragraph be edited to include "by the family court" after "determined."

CLC also would appreciate some clarity on the following issues. This procedure requires the social worker to consult with the case manager about the reintegration plan and contains a thoughtful list of items that should be included in the plan. However, it is unclear whether those items were required by CFSA or the Department of Corrections. Additionally, it is unclear what the social worker should do if these items are not included in the plan. Lastly, when paragraph 8 refers to the procedures above, is CFSA referring to Procedure A. 6.?

Comments Related to "C. Engagement with Incarcerated Parent"

CLC provides one recommendation and one question related to Procedure C. We recommend that CFSA continue to honor the diversity of the families it works with and demonstrate its cultural sensitivity by ensuring that the need for an interpreter is never a reasonable cause for delayed contact between a child and their incarcerated parent. CFSA should continue its work on its biennial language access plan under local and federal laws to ensure that social workers plan in advance for needed interpretation services. Secondly, we would appreciate clarity on what parental engagement efforts are expected from the social worker in the event of a goal change to adoption.

Additionally, this procedure references a template letter that the social worker can use to engage the incarcerated parent. We suggest that the parent's attorney be copied on this letter and that the letter include some discussion about the importance of and the parent's right to visit with the child.

Comments Related to "D. Assessment"

Procedure D details the social worker's use of the Assessment Checklist, which is attached to the business process. We suggest that the procedure explain how frequently the social worker should complete the assessment; whether by a lapse of days or by a significant case event. We further recommend that the procedure require newly assigned social workers to conduct their own assessment if one has not be completed in the last 60 days. It is unclear from the checklist how the items are scored and how the score informs the contact recommendation. For example, it is unclear the impact that Item 10 (the number of siblings and where they reside) will affect CFSA's assessment of the appropriateness of the visit between the child and the parent. This item seems more related to the logistic of the contact than the "appropriateness" of the contact. Lastly, we appreciate that CFSA will use a set criteria when assessing the appropriateness of child-parent engagement or contact. However, we think it is important that Procedure D explain that the social worker's efforts facilitate the parent's engagement or contact cannot change until the court so orders.

Comments Related to "E. Preparing the Child for Contact"

Preparing the child for contact with their incarcerated parent is very important step because visiting prisons and jails can be a disturbing experience for children. We agree that the

contact between the child and their parent should be appropriate; however, that term is not defined clearly in the procedures. From our perspective, “appropriate” means the child has sufficient internal and external support to process the information in a way that does not lead to emotional or psychological distress. Secondly, we urge CFSA to consider the sibling relationship when preparing the child for contact. Specifically, we think the sibling relationship can be a resource for the child to process the emotions connected to their contact with their parent.

Comments Related to “F. Preparing the Parent for Contact”

We are grateful for the robust role and significant time investment that social workers have in maintaining contact between children and their incarcerated parents. While we understand that additional communications take more time, we think it would be beneficial to the social worker to keep the parent’s attorney informed of all emergency notifications involving the child that may impact or interrupt contact.⁸ The parent’s attorney can help ensure that the parent is made aware of these notifications and help the parent process through these changes in a way that can keep the parent engaged with the social worker.

CLC also suggests that CFSA edit paragraph 2 to require the social worker obtain all medical reports from the primary caregiver or primary physician to share with the affected parent. It is also important that the social worker ensure that these documents are in a language and at a comprehension level that is accessible to the parent. To a similar end, we understand paragraph 4 to say that CFSA will not make arrangements for the parent if case manager’s resources are not sufficient to resolve potential communication barriers. We suggest that, where the rules of the facility allow, social workers utilize any resources that the parent’s case manager does not have in order to resolve communication barriers. For example, if the parent’s case manager does not have access to a specific language interpretation service that the parent needs, then it would be in the child’s best interest for the social worker to utilize any resources he or she has in order to resolve this barrier.

Paragraph 5 requires the social worker to debrief each visitation with the parent and their case manager. We support the practice of discussing whether the visitation is meeting the expectations of the participants and we query whether the word “debrief” is specific enough to direct the social worker’s conversation with the parent and their case manager.

Comments Related to “G. Case Planning with Incarcerated Parents”

We support CFSA’s commitment to involving incarcerated parents in case planning. Procedure G could be strengthened by requiring the social worker to solicit input from the affected parent about the parent’s own strengths and goals, to ensure that an interpreter and translated documents or communications are available as needed, and to communicate to the incarcerated parent the limited confidentiality of the conversation.

Comments Related to the Practice Tips

The Practice Tips document contains numerous suggestions and resources that will be helpful for any adult who is planning a visit between a child and an incarcerated parent. The resources section is a superb asset to document. CLC urges CFSA to include a link to this

⁸ Please note that the Business Process does not define what an emergency notification is or what would prompt it.

document in the policy and the business process so that social workers will have easy access to this beneficial document.

Next, given the well-documented impact that parental incarceration has on children's economic well-being,⁹ we also suggest that this document acknowledge the monetary hardship that incarceration has on children. Additionally, we recommend that CFSA edit the "Engaging incarcerated Parent" section to suggest that the reader collaborate with the parent's attorney to facilitate contact with the parent and the facility's authorities.

Lastly, CLC recommends that the "Supporting the Children" section be edited to prompt the reader to explore whether the child has support amongst their siblings, whether the child could benefit from support group or books that address their situation, and whether the child is in need of some professional emotional support as they process their experiences visiting their incarcerated parent.

Comments Related to Tip Sheets

The following subsections contain CLC's comments, questions, and recommendations relating to the three tip sheets that CFSA provided for our review.

Comments Related to Tip Sheet: Visiting Incarcerated Parents

DC's youth in care will benefit from having an institutional norm inside of CFSA that places a high value on facilitating visitation between incarcerated parents and their children. Therefore, CLC recommends that the first paragraph of this tip sheet acknowledge the importance of visitation and that CFSA move the discussion of challenges to visitation to the second paragraph. Additionally, we invite CFSA to consider reminding the social workers how prioritizing visitation can help children build protective capacities to reduce their level of risk.

Secondly, we recommend that this tip sheet be edited to reflect the policy's requirement that the social worker "... inform the parent's case manager and/or the parent's CCAN attorney of all notifications involving the child that may impact or interrupt contact."¹⁰ Thirdly, if there

⁹ Martin, Eric. *Hidden Consequences: The Impact of Incarceration on Dependent Children*. National Institute of Justice Journal, No. 278. (March 2017). Retrieved from <https://nij.gov/journals/278/Pages/impact-of-incarceration-on-dependent-children.aspx>. (Stating, "Economic well-being: The overwhelming majority of children with incarcerated parents have restricted economic resources available for their support. One study found that the family's income was 22 percent lower during the incarceration period and 15 percent lower after the parent's re-entry.[22] (Note that this reduction of income and earning potential does not describe how limited the earning potential may have been before incarceration.) But here too, the impact can be nuanced: Another study found that a mother's incarceration was associated with greater economic detriment, especially if the father did not live with the family. This economic loss might be exacerbated if the child lives with a caregiver who is already responsible for other dependents or with a grandparent who lives on retirement income.[23] A third study found that children of incarcerated parents systemically faced a host of disadvantages, such as monetary hardship; were less likely to live in a two-parent home; and were less likely to have stable housing.[24]"

¹⁰ CFSA. *Draft Policy Title: Engaging Incarcerated Parent*, at 3, §VII. Section F. 2. (May 4, 2018).

are procedures through which CFSA can request special permission to have visits occur at different times, this tip sheet may be good place to include notice of this possibility.

Lastly, CLC offers the following recommendations regarding the “Preparing the child for the visit” section.¹¹ The first bullet point should be edited to delete the word “alone” because the conversation would not be private with the social worker monitoring. CFSA may consider adding a bullet point that reflects the policy’s requirement to “involve non-incarcerated birth parents or other caregivers” to prepare the child for visits. To that end, CFSA may also consider suggesting that the social worker inform the child’s supportive service providers and GAL about the visit.

Comments Related to Tip Sheet: Family Visitation at the DC Department of Corrections

CLC does not have any comments relating to this tip sheet.

Comments Related to Tip Sheet: Family Visitation at DYRS

CLC applauds the thoroughness and the thoughtfulness of this tip sheet. As we attempted to predict other issues that might arise, we were left with the following questions:

1. Will a DCPS ID count as a valid government ID for visitors under the age of 14?
2. What identification is requires for infants and children who are not in school yet?
3. Is there a cost associated with using the lockers at DYRS and will visitors need change to access the lockers?

The answers to these questions may be beneficial additions to this tip sheet.

Thank you for considering these comments, suggestions and questions. If you have any questions about them, please contact Aubrey Edwards-Luce at (202)467-4900 (ext. 609) or AEdwards-Luce@childrenslawcenter.org.

Sincerely,

Aubrey Edwards-Luce, Esq., MSW
Senior Policy Attorney
Children’s Law Center
501 3rd Street, NW
8th Floor
Washington, D.C. 20001
T: 202-467-4900 x 609
F: 202-467-4949

¹¹ CFSA may want to consider capitalizing child and visit in the header for this section.