Children in Foster Care with Parents in Federal Prison:

A Toolkit for Child Welfare Agencies, Federal Prisons, and Residential Reentry Centers

June 2013

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A Product of the Federal Interagency Working Group
for Children of Incarcerated Parents[1]

[1] The Federal Interagency Working Group for Children of Incarcerated Parents includes representatives from the Department of Health and Human Services, the Department of Justice, the Department of Education, the Social Security Administration, the Department of Agriculture, and the Domestic Policy Council.

Summary Page

In 2007, 1.7 million children had a parent in prison on any given day, and even more have experienced parental incarceration at some point during their childhood.[2] Parental incarceration can be associated with financial instability, unstable housing situations, school behavior and performance problems, and social stigma.[3]

Roughly 10% of incarcerated mothers in state prison have a child in a foster home or other state care.[4] Some estimates indicate that as many as 1 in 8 children who are subjects of reports of maltreatment and investigated by child welfare agencies have parents who were recently arrested.[5] Though there is clearly overlap between the prison system and the child welfare system, it is often difficult for prison officials to know how to help incarcerated parents stay in touch with their children in foster care and work towards reunification. Similarly, it is difficult for child welfare agencies to know how to engage parents in prison. The purpose of this toolkit is to help facilitate communication and cooperation between child welfare agencies and federal prisons so that parents can stay engaged in their children's lives.

Included in this toolkit is:

1. Frequently Asked Questions (FAQs) for Social Workers- this resource explains common questions social workers may have when managing cases of children with parents in federal prison, such as "How do I locate a parent in federal prison" or "how can I communicate with a parent in federal prison?"
2. FAQs for Unit Teams- this resource explains common questions unit teams in federal prisons may have when working with incarcerated parents with children in foster care, such as "how can an incarcerated parent locate their child in foster care?" or "what are ways an incarcerated parent can work towards reunifying with his or her children once they leave prison?"
3. FAQs Residential Reentry Centers (RRCs)- this resource explains common questions for staff at RRCs, such as, "how can I determine if an incarcerated parent still has custody?" or "what can the individual do to help ease the transition back with their family?"
4. Glossary of Commonly Used Terms- some of the terms used in this toolkit may be unfamiliar. This glossary will help unit teams and social workers understand the common terms and processes of federal prisons and child welfare agencies.
5. Child Welfare Myth Buster- this myth buster explains that not all parents in prison automatically lose their parental rights.
6. Incarceration Timeline- this timeline provides general information about the incarceration process from arrest to release.
7. Child Welfare Timeline- this timeline provides general information about the child welfare system's process from initial report and the child's placement in foster care to case planning and working towards a permanent solution.
8. State Child Welfare Agency Contact Information- This is the contact information for State child welfare agencies.
9. Additional Resources- several pages of additional resources that may be helpful for child welfare, federal prison, or residential reentry center staff.

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[2] Glaze, Lauren E. and Laura M. Maruschak. "Parents in Prison and Their Minor Children." U.S. Bureau of Justice Statistics. August 2008. Available from http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf

[3] La Vigne, Nancy, Elizabeth Davies, and Diana Brazzell. "Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents." The Urban Institute. February 2008. Available from http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf

[4] Glaze, Lauren E. and Laura M. Maruschak. See *supra* note 1.

[5] Phillips, Susan D. "Parental Arrest and Children Involved with Child Welfare Services Agencies." American Journal of Orthpsychiatry. Vol. 74, No. 2, April 2004. Accessible from http://onlinelibrary.wiley.com/doi/10.1037/0002-9432.74.2.174/abstract;jsessionid=C9C5D13170759FC2AC1A78E75823B301.d01t03.

FAQs for social workers managing cases of children in foster care with parents in federal prison

1. How can child welfare staff locate an incarcerated parent in federal prison?

The location of an incarcerated parent housed in a federal prison can be found on the Bureau of Prisons' public website: www.bop.gov. Select the "Inmate Locator" tab and enter the incarcerated parent's first and last name in the "Search by Name" box. The spelling must be exact in order for the individual to be located. This will provide the incarcerated parent's current location and the date he or she is expected to be released from prison.

2. Who should the child welfare worker contact regarding a specific offender's case?

Child welfare offices should contact the incarcerated parent's case manager at the federal prison where the offender is housed. Child welfare staff will need to contact the institution to be connected with the incarcerated parent's case manager. On the Bureau's public website - www.bop.gov, click on the "Facility Locator" tab in the blue box under "Tools." Type in or click on the facility name and then click on "Contact Information." You can also search for prison locations by state. Submit the request to the contact provided. When submitting a request, provide the individual's name, register number (this can be found on the inmate locator as described above), and details of the request.

3. Are there ways a parent of a child in foster care can work towards reunification with his or her child while still in prison?

Child welfare social workers can support incarcerated parents with children in foster care by ensuring they are engaged in the development and revisions to the child's case plan (the document that outlines the outcomes, goals, and tasks necessary to ensure the safety, permanency, and well-being of a child in foster care) and have clarity about case goals and timeframes. When possible, child welfare social workers should encourage parents to participate in court hearings and administrative reviews, as these hearings and reviews provide an opportunity for parents to contribute in decision making about their child's options. Federal policy and law require that permanency hearings and administrative reviews be open to the participation of the parents of the child (45 CFR 1356.21 and section 475(6) of the Social Security Act), however distance and security requirements often make it difficult to arrange in person participation. It is important to keep in mind that parents are often located in facilities 100 miles or more away from their previous residence, therefore in-person visits may be difficult to coordinate and participation in court hearings or administrative reviews may have to be done over the phone. Child welfare social workers should work with the incarcerated parent's case manager at the federal prison to coordinate their input and participation (see Question 2 for how to get in touch with the incarcerated parent's case manager).

The Bureau of Prisons is committed to the goal of assisting every inmate in gaining the skills he or she needs to successfully transition to the community and to remain crime-free. As part of this goal, preparation for reentry begins on the very first day of an inmate's sentence. Inmates are assessed for their risk of recidivism as well as for needs they may have relating to a successful reentry. Based upon this assessment, which is updated regularly throughout an inmate's term in prison, inmates are placed in programming to address these needs.

As part of reentry programming, federal prisons offer parenting programs. These programs teach skills the parents can use to connect with their children while in prison, and include strategies that parents can use with their children after release. Contact with children (when appropriate) is also encouraged through visitation, which includes special 'parenting' sections of institution visiting rooms, and through contact by telephone, monitored instant messaging, and written correspondence. Some institutions have programs in place to allow inmates to send home recordings of them reading books to their children.

Incarcerated parents can also participate in other programs that will assist with reunification and demonstrate to the court that they are motivated to reunify with their child, such as substance abuse treatment, anger management, psychological counseling, and educational programming. All programming completed while in prison is documented in their case management plan. This plan is provided to supervising agencies upon the offender's release to provide information regarding their progress.

Child welfare social workers can ask what sort of programming is offered and how the child welfare system can reinforce the desired goals and outcomes for parents and children.

4. How does a federal prisoner communicate with his or her child in foster care?

The Federal Bureau of Prisons is committed to the goal of assisting inmates with an effective reentry to their communities, and with providing inmates the skills they need to remain crime-free upon release. As part of this, the Bureau encourages inmates to maintain ties with family members, friends, and others in the community through visiting, telephone calls, electronic messaging, and written correspondence.

Inmates are permitted visits with approved family and friends. Visiting hours vary depending upon the institution. Visitors can check the visiting hours by using the "Facility Locator" tool at www.bop.gov. It is important to understand the rules and procedures for visiting before scheduling a visit. For more information on visiting, please visit: www.bop.gov/inmate_programs/visiting.jsp.

Inmates can also maintain ties with their families and friends through the use of telephones. Inmates ordinarily pay for their telephone calls, but have the option of making collect calls as well. All calls are subject to monitoring.

The Bureau also allows inmates to have access to electronic messaging. Electronic messaging through the use of e-mail allows for text-only correspondence and all messages are subject to monitoring. For more information on telephone and electronic messaging, please visit: www.bop.gov\inmate_programs/visiting.jsp.

Finally, inmates are also encouraged to write letters or postcards to family. Several institutions also have special programs that encourage incarcerated parents to engage in written correspondence with their children to enhance their literacy skills and convey the importance of literacy to their children. Some institutions also have programs that allow incarcerated parents to record themselves reading to their children.

Child welfare social workers can ask what sort of programming is offered and how the child welfare system can reinforce the desired goals and outcomes for parents and children.

5. What should child welfare social workers keep in mind when case planning for a child whose parent is in federal prison?

A child with an incarcerated parent can have the opportunity to build a relationship, even in the face of challenges, that will help build a child and parent's resiliency and stability. Distance and security requirements often make it difficult to arrange in-person participation in court and administration reviews. Distance can also impact in-person visits with the child. Child Welfare social workers should work with case managers in prisons to make sure arrangements and authorizations have been obtained in advance to facilitate visiting; special calling arrangements for participation in court hearings or other case related procedures, as well as ensuring other communication venues are consistent with security procedures. Additionally, even with special arrangements are made in advance, it is important for child welfare social workers to know that unforeseen circumstances may arise in the prison that can result in special activities and visiting being terminated for security reasons. Child welfare social workers should verify with the incarcerated parent's case manager or the Reentry Affairs Coordinator on the day of his or her scheduled activities that normal operations are in effect. If planning a visit, they should allow sufficient time for security clearance into the prison.

6. Who can the child welfare agency contact if they are interested in providing training and/or information to federal prison institutions?

The child welfare office should contact the Reentry Affairs Coordinator at the federal prison where the training or information is to be provided. Child welfare staff can obtain the Reentry Affairs Coordinator contact information by using the Bureau's public website at www.bop.gov. Select the Careers tab and select "volunteers" from the left side directory. They can then click on the link for "Institution Reentry Affairs Coordinators" for this directory.

FAQs for unit teams working with parents with children in foster care

1. What are ways to assist incarcerated parents who believe their child is in foster care?

It is important for the parent to stay informed on the location of their child. First, the parent should try to learn more from their connections in the community to determine the location of the child. After a parent is arrested, children often go stay with a friend or relative; or, the state or local child welfare agency may obtain custody of the child. It is also possible that the child could first go to a friend or relative and later be placed in the care of the state or local child welfare agency. If the parent believes his or her child may be in foster care, the parent should immediately try to reach out to the child welfare agency handling his or her child's case (see question 5 to learn how to find the contact information). It is also important for the incarcerated parent to be aware of any mail or other communication from the child welfare agency or a lawyer in charge of his or her child's case. Most often a child welfare social worker will try to reach out to a parent if he or she is in danger of losing his or her parental rights; however, there are some circumstances in which the child welfare social worker may rely on the parent to contact them.

When speaking to the child welfare social worker handling the child's case, the parent should:

a) Find out the court dates associated with the case and ways they can participate.
b) Express a clear interest in reunifying with their child, if and when appropriate.
c) Discuss options for caretakers for the child (e.g. the child's grandparent, a close family friend, another relative, etc.).
d) Ask for a copy of the case plan, the document that outlines the outcomes, goals, and tasks necessary to ensure the safety, permanency, and well-being of a child in foster care.
e) Make sure he or she has all needed contact information for the child welfare social worker handling the case and the contact information for the child welfare agency.

2. Do all inmates lose parental rights if their children are in the foster care system?

No. Incarcerated parents do not automatically lose their parental rights because they are incarcerated. Generally, a court will terminate parental rights when the child cannot safely be returned home because of risk of harm by the parent or the inability of the parent to provide for the child's basic needs. There are some circumstances where a child does not return to live with the parents, but parental rights are not terminated (e.g. the child goes to live with a relative guardian). The specific reasons for terminating parental rights are described in each State or Tribe's laws. For more information about State child welfare laws please visit: https://www.childwelfare.gov/systemwide/laws_policies/state/permanency/.

Every state requires the child welfare agency to file a petition asking the court to terminate parental rights in certain circumstances, including; when a parent has committed murder or voluntary manslaughter of another child of the parent; aided, abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter; committed a felony assault that resulted in serious bodily injury to the child or another child of the parent; and sometimes when a child has been in foster care for 15 of the most recent 22 months (for more information please see question 3 below). There are some exceptions to the requirement to file for termination of parental rights, for more information about exceptions, please see question 3.

3. When does a child welfare agency decide whether to ask the court to seek termination of parental rights?

The exact timeframe will differ depending on the specific circumstances of the case. Federal child welfare law requires child welfare agencies to file a petition to terminate parental rights (TPR) if a child is in foster care for 15 out of the most recent 22 months, unless:

- at the option of the agency if the child is being cared for by a relative, or
- if the agency has documented in the case plan a compelling reason for determining that filing such a petition would not be in the best interests of the child. States may have different qualifications for what is a "compelling reason." For more information about State child welfare laws, please visithttps://www.childwelfare.gov/systemwide/laws_policies/state/permanency/.

The child welfare system has some flexibility in petitioning for terminating parental rights. A child welfare agency can decide to petition for termination of parental rights before a child has been in care 15 of the most recent 22 months, or could delay filing the petition based on one of the exceptions described above. It is important to stay in close communication with the child welfare worker assigned to the case to learn the specific timeframe of the child's case.

4. Is it appropriate to allow the incarcerated parent time to participate in dependency court hearings or administrative reviews?

It is important for an incarcerated parent to participate in court hearings regarding his or her child's welfare because lack of participation may adversely affect the parent's ability to reunify with the child and/or participate in decisions regarding their child's well-being. If a prison is contacted by a child welfare agency or a court clerk about such a court hearing, it is important to allow the inmate time and flexibility to take part in the process whenever possible and appropriate. If the incarcerated parent has the option of participating in a hearing by phone, the unit team should try to make reasonable accommodations to allow him or her to participate. However, any accommodations need to be assessed in connection with circumstances that would impede the ability to provide this participation; such as lock-downs, unexpected transfers, or other security requirements that could interfere.

5. How does an inmate contact the child welfare agency in charge of his or her child's case?

To find the contact information for the local child welfare agency handling the case, you must first contact the State child welfare agency. Contact information about State child welfare agencies can be found in the attached document entitled "State Child Welfare Agency Contact Information." It can also be found on the Children Information Gateway at https://www.childwelfare.gov/. If you click on State-Specific Resources and then click on State Related Organizations lists, you can find the address, website, and contact information of all State child welfare agencies. Tribal child welfare agency information can be found by searching the list of designated Tribal agencies under the Indian Child Welfare Act published by the Bureau of Indian Affairs at www.bia.gov. The State or Tribal child welfare agency should be able to provide contact information for the correct local child welfare agency and then the local child welfare agency should be able to provide the contact information for the person assigned to work with the child and family.

6. Will inmates be informed of court hearings regarding their child's welfare and termination of parental rights?

Some states specify that a state court must provide legal representation for a parent involved in child abuse and neglect hearings. For more information, and to learn which states provide representation, please visit: http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/s

ummary_parentrep_model.authcheckdam.pdf . If the parent is appointed representation, his or her lawyer will reach out to them in the prison facility and inform them of procedures and hearing dates. If the incarcerated parent is not appointed representation, he or she should stay in close communication with the child welfare social worker assigned to his or her child's case to learn about hearing times.

7. What can incarcerated parents do to prepare for court hearings and administrative reviews?

There are several ways incarcerated parents can be prepared. They can be familiar with their child's case plan requirements, which include tasks that need to be completed before the children can achieve permanent, or a legally permanent, nurturing family for the child and youth, with their parent or other caregivers. It is also helpful to stay in close contact with the child welfare social worker assigned to the case. If the parent has been appointed an attorney, he or she should speak to the attorney prior to the hearing (see question 6 for more information about legal representation). The parent should be prepared to express his or her desire to maintain a relationship with the child, and to ask for regular communication and visitation with the child.

8. How can an inmate be reunified with his or her children after release? What steps can he or she take to begin this process while incarcerated?

The circumstances surrounding each child in foster care are different. Each child welfare social worker handles each case based on the specific circumstances of the case. However, the child welfare social worker must develop a case plan with the parent(s) or guardian(s) that identifies the needs of the child and family, and lays out what needs to happen before a parent can reunify with his or her child. The case plan also identifies what supports and services the child and family need. The parent should work with the child welfare social worker to develop and review this case plan. If the case plan identifies actions the parent needs to take, the parent may be able to complete some of these actions while incarcerated. For example, completing substance abuse treatment, finding stable housing, or completing a parenting program could all contribute towards the parent's reunification efforts.

When possible, parents should attend court hearings and administrative reviews, participate in regular in-person visitation and communicate with the child via letters, telephone calls, and e-mail.

FAQs for staff in residential reentry centers (RRC) helping parents with children in foster care

1. If a parent has a child in foster care, how can the parent locate the child welfare agency in charge of his or her child's case?

The Bureau of Prisons understands the importance of family reunification, where appropriate, for releasing inmates. If an RRC resident has a child in foster care, he or she should discuss this with the RRC case manager assigned to his/her case so that steps toward reunification can be made a priority while at the RRC. RRC staff can work with the resident to locate the child welfare agency that is handling the case.

To locate the child welfare agency, the parent should contact the State child welfare agency in the state where the child is living. Contact information for State child welfare agencies can be found in the attached document entitled "State Child Welfare Agency Contact Information." It can also be found on the Children Information Gateway at https://www.childwelfare.gov/. Click on "State-Specific Resources," then click on "State Related Organizations" to find the address, website, and contact information for all State child welfare agencies. Tribal child welfare agency information can be found by searching the list of Tribal agencies at the Bureau of Indian Affairs website, found at www.bia.gov. The parent should then contact the child welfare agency to obtain contact information for the worker assigned to the child and family.

2. If the parent has a child in foster care, what can the parent do to work toward reunification with his or her child?

The circumstances surrounding each child in foster care are different and each child welfare social worker handles each case based on the case's circumstances. The child welfare social worker develops a case plan that identifies the needs of the child and family, and lays out what needs to happen before a parent can reunify with their child. The case plan also identifies what supports and services the child and family need. The incarcerated parent should work with the child welfare social worker to develop and review this case plan. If the case plan identifies actions the parent needs to take, the parent may be able to complete some of these actions while at the RCC. For example, completing substance abuse treatment, finding stable housing, or completing a parenting program could all contribute towards the parent's reunification efforts.

When possible, parents should attend court hearings and administrative reviews, participate in regular in-person visitation and communicate with the child via letters, telephone calls, and electronic messaging.

3. What can parents do to make reunification with children easier?

There are a number of ways parents can make reunification with their child easier. It's useful to maintain open lines of communication with the child[ren] throughout the incarceration and during the transitional release period and allow them to express feelings and concerns during the parent's time in prison. It's also helpful to have visits with children as regularly as possible and to stay involved in meetings and court hearings. Participating in child and family therapy and receiving on-going support after release can also help the parent-child relationship during the transition to life outside of prison.

Glossary of terms used by Child Welfare and Federal Bureau of Prisons

Federal Bureau of Prisons Terms

Reentry- A term used when discussing release of an inmate from a correctional environment back into the community.

Reentry Affairs Coordinator (RAC)- A staff member located in a federal prison who is primarily responsible for the monitoring and coordination of skill development and reentry initiatives, as well as volunteer program activities. RACs serve as the liaison with local community members and agencies to foster partnerships and develop resources that enhance the successful return of offenders to their communities. Additionally, the RAC serves as the liaison between the prison and Regional and National Reentry staff.

Residential Reentry Centers (RRC)- The Bureau contracts with residential reentry centers (RRCs), formerly known as **halfway houses**, to provide a period of transition for inmates who are nearing release. The vast majority of federal inmates serve some of the final portion of their term of incarceration in an RRC to assist them with their transition to their local community. RRCs provide a safe, structured, supervised environment, as well as employment counseling, job placement, financial management assistance, and other programs and services. RRCs help inmates gradually rebuild their ties to the community and facilitate supervising offenders' activities during this readjustment phase.

Unit Team- Each inmate in the federal prison system is assigned to a team of staff (the Unit Team) that determine inmate programming needs and monitor inmate participation to encourage pro-social institution and community behaviors that benefit inmates, staff, victims and society. Unit Teams include a unit manager, case managers, correctional counselors, and administrative support staff who all work together in the housing unit. Additional staffs who work with the unit team include unit officers, education advisors, and psychologists.

Child Welfare Terms

Administration for Children and Families (ACF)- A federal agency within the U.S. Department of Health and Human Services that funds State, territory, local, and Tribal organizations to provide temporary financial assistance to families, child support, child care, Head Start, child welfare, and other programs relating to children and families. Direct services are provided by State, county, city, and tribal governments and by public and private local agencies. ACF assists these organizations through funding, policy direction, and information services.

Child Welfare Agency/ Child Protective Services (CPS)/Social Worker/Case Manager - The social services agency designated to receive reports, conduct investigations and assessments, and provide intervention and treatment services to children and families in which child abuse or neglect has occurred. Frequently this agency is located within larger public social service agencies, such as departments of social services, and operates at the state, county, city, or local government level. Each child receiving services from the child welfare agency is assigned a social worker or case manager. These case managers, in partnership with the family and other team members, assess the safety and well-being needs of a child to determine if services and supports can be provided that keep a child safely at home or if a child needs to be removed from home due to risks of imminent danger. Case managers are responsible for ensuring that kinship placements (when a child lives with a relative) made formally through the child welfare agency are safe, and kin families receive necessary services. Case managers work towards permanency for a child with reunification being the preferred outcome. When reunification with the parent(s) is not possible, agency case managers and the courts determine the most appropriate plan for the child, such as permanency with a relative through legal guardianship, or with an adoptive family.

Assessment- Child welfare workers use on-going assessments to determine the needs of the child and family. The case worker usually conducts these assessments through regular meetings with the child, family members and placement resources during the time the child is removed from the home; increasingly workers use standardized tools to assess safety, risk and protective factors as well as the developmental and functional needs of the child. Agency workers use the assessment information to inform foster care placement and permanency decisions (see permanency definition below) by identifying, considering, and weighing factors that impact children, youth, and their families. Also, child welfare workers and the courts use assessment information to determine the services and support the family needs to ensure the child's safety, permanency, and well-being. This information is also used to evaluate whether family reunification is an appropriate goal, or whether relative placement, guardianship or adoption is a more appropriate permanency plan for the child.

Case Plan- The case plan is a "living" document that outlines the outcomes, goals, and tasks necessary to ensure the safety, permanency, and well-being of a child in foster care. The case plan describes the services provided and the tasks that the family needs to complete for the child to remain or return to the household. It is the roadmap and timeline for achieving safety, permanency and well-being for a child. The agency worker must ensure that the case plan is updated periodically. Ordinarily, this should occur after each six-month periodic review and whenever a child changes foster care placements. Child welfare workers must develop the case plan jointly with the parent(s) or guardian(s) of the child in foster care.

Custody- Custody of a child typically refers to the legal right to make day to day decisions about children, such as where they live. Parents ordinarily have custody of their children unless the court orders or the parent voluntarily assigns the custody of his or her child to an individual or agency. Incarcerated parents may or may not have legal custody of their child.

Types of Child Welfare Placements-

In-Home services– Agencies provide in-home services to strengthen families so that children can remain safely at home with their family members. For example, this type of service might be used if one parent is incarcerated but the other is available to care for the child.

Out-of-Home Care- When children cannot remain safely at home due to child abuse or neglect, agencies place children in out-of-home care and work to determine the best permanency option for the child. Out-of-home care placement options vary by State, but in general include family-based foster care, kinship care, and residential group care:

> **Foster Care**- Children in foster care may live with relatives, unrelated foster parents, or with families who plan to adopt them. Foster care is intended to be short-term, with the focus on returning children home as soon as possible or if reunification is not possible, providing them with permanent families through adoption or guardianship.
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> **Kinship Care**- Children in kinship care, reside with relatives, members of their tribe or clan, godparents, stepparents, or an adult who has a kinship bond with the child. It could be formal with child welfare agency oversight or informal arrangements made by the family. If it is an informal arrangement between the parent and the relative to care for the child, child welfare has very little, if any, involvement.
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> **Residential Group Care -** Agencies place children in residential group care when they are unable to reside in a family setting due to their special needs. These placements range from community-based settings with structured support to locked facilities with intensive treatment interventions.

Permanency- Permanency refers to a legally permanent, nurturing family for the child or youth. A child in foster care is determined to have achieved permanency when any of the following occurs: (1) The child is discharged from foster care to reunite with his or her family, either a parent or another relative; (2) The child is discharged from foster care to a legally finalized adoption; or (3) The child is discharged from foster care to the care of a legal guardian.

Types of Permanency Options

Family Reunification- Reunification is the preferred permanency goal for children in foster care when it can be done in a safe and timely manner. It is the process of reuniting children in out-of-home care with their families and reinstating custody of the children to their parent/guardian.

Legal Guardianship- Legal guardianship means a judicially created relationship between child and caretaker (which could include a family member or other unrelated adult) that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decision making. Through guardianship arrangements, the child is no longer in foster care and the caregiver makes important decisions for the child, and a long-term caregiver is established for the child. In subsidized guardianship, the child welfare agency provides the guardian with a monthly subsidy for the care and support of the child.

Adoption- Adoption is the social, emotional, and legal process in which children who will not be raised by their parents become full and permanent legal members of another family. Children can be adopted by extended family members or families unknown to them prior to the agency initiating the adoption process.

Another Planned Permanent Living Arrangement (APPLA) - In this permanency option, the child welfare agency maintains care and custody responsibilities for and supervision of the child, and places the child in a setting in which the child is expected to remain until adulthood. The agency worker identifies another planned living arrangement only when the worker determines that reunification, adoption, legal guardianship, and relative are inappropriate.

Court and Administrative reviews- Courts and administrative review bodies conduct periodic hearings and reviews (usually every 6 months) to determine the need for the child to remain in foster care, and if so, to identify the most appropriate permanency plan. Under the Social Security Act, the status of each child in foster care must be reviewed at least once every 6 months either by court or by administrative review. The purpose of the hearing is to review progress on the goals and tasks outlined in the case plan and determine the extent to which progress is being made towards permanency.

Case Closure- Child welfare cases are closed when permanency is achieved. Case closure is the process of ending the relationship between the child welfare agency and the family (and the court, when it is involved). This often involves a mutual assessment of progress and includes a review of the beginning, middle, and end of the helping relationship. Optimally, cases are closed when families have achieved their goals and the risk of maltreatment has been reduced or eliminated or the child has achieved his/her permanency goal.

For these and other child welfare terms, please see the child welfare glossary at:
https://www.childwelfare.gov/admin/glossary/index.cfm

Residential Reentry Center Terms

Residential Reentry Manager (RRM) – RRMs are Bureau of Prisons' managers in charge of overseeing Residential Reentry Center (RRC) (see RRC definition above) contracts and responsible for managing the inmate population in the RRCs.

Individualized Program Plan (IPP) – Once an inmate arrives at the RRC, he/she is assessed by the staff to devise an individualized plan that includes measurable goals. The plan outlines the inmate's reentry deficits identified during the assessment and how the RRC staff will work with the inmate to achieve goals in areas such as housing, employment, educational needs, family reunification, etc.

Social Services Coordinator (SSC) – The SSC coordinates RRC programs and services and coordinates with local community resources to make job placement services available to the inmates. Additionally, SSCs provide support and guidance regarding resume writing, interviewing techniques, and portfolio development.

Community Corrections Component – This is the initial and most restrictive phase in an RRC program. While in community corrections, the inmate is restricted to the facility except for pre-approved movement (e.g. job search, drug treatment, religious services, meetings with social workers, etc.).

Pre-Release Component – Once an inmate is progressing satisfactorily in the RRC program and is complying with the rules and program goals set for him or her, the inmate enters the pre-release component of the RRC program. During this phase, the inmate is allowed to leave the facility under an approved itinerary that may include employment, continuing education programs, social passes, etc.

Home Confinement – Once an inmate has an approved release residence and a job, or continuing education prospects, he or she may no longer need the reentry services an RRC provides. After an assessment of public safety concerns is conducted, the inmate may be released to his or her approved release residence for the final portion of the sentence (not to exceed six months or ten percent of his/her term of incarceration). During this period of time of home confinement, the inmate is required to remain at his or her approved release residence except when at work or other pre-approved activities. Accountability of the inmate is monitored closely by the RRC or in some cases, by the Office of Probation and Pretrial Services. In some cases, inmates may be placed directly on home confinement without first going to an RRC.

On Child Welfare

June 2013

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

Children of Incarcerated Parents Series

MYTH: Child welfare agencies do not need to plan family reunification for children in foster care if they have incarcerated parents.

FACT: Child welfare agencies should make efforts to involve parents in planning for children in foster care, even if the parents are incarcerated.

Child welfare agencies are required to engage parents, including absent, noncustodial or incarcerated parents, in case planning for their children in foster care whenever possible and appropriate. Incarceration alone should not be considered an obstacle that changes the child welfare agency's efforts:

- to work with the child's parents through caseworker visits or contacts with the parent;
- to identify relatives who may be able to serve as a resource for the child;
- to encourage, where appropriate, parent visitation or contacts with the child;
- to work to preserve the parent-child relationship; and
- to involve the parent in case planning for the child.

Reunification between incarcerated parents and their children in foster care is not always feasible, but social workers can and should plan for reunification when possible. While federal child welfare law requires child welfare agencies to initiate Termination of Parental Rights (TPR) if a child is in foster care for 15 out of the most recent 22 months, the law provides exceptions to this mandatory TPR rule at the option of the state in the following circumstances:

- The child is being cared for by a relative.
- The state agency has documented in the case plan a compelling reason that filing such a petition would not be in the best interests of the child.
- The state has not provided to the child's family the required services necessary for the safe return of the child to the home.

These exceptions give child welfare agencies flexibility to work within the TPR requirements and work towards unifying incarcerated parents with their children after release.

For More Information:

When a Parent is Incarcerated Guide:
https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=133&sectionid=5&articleid=3443

A Toolkit for Working with Children of Incarcerated Parents:
https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=115&sectionid=17&articleid=2856

The Adoption and Safe Families Act: Barriers to Reunification between Children and Incarcerated Mothers:
https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=139&articleID=3641&keywords=parental%20rights

Child Welfare State Policies:
http://www.childwelfare.gov/systemwide/laws_policies/state/

What is the Reentry Myth Buster/Children of Incarcerated Parents Series?

This Reentry Myth Buster is one in a series of fact sheets intended to clarify federal policies that affect formerly incarcerated individuals and their families. On any given day, nearly two million children under 18 have a parent in prison – and many more have had an incarcerated parent at some point during their childhood. Children of incarcerated parents often face financial instability, changes in family structure, and social stigma from their community. This series is designed to help these children, their caregivers, and the service providers who work with them.

Incarceration Timeline[6]

Stage One: Arrest

After an arrest, the parent can be immediately released, held for a short period of time and then released, or he/she may be held for a longer period of time. Arrest does not necessarily indicate child abuse or neglect, and a parent can often still make decisions concerning the welfare of their child. When the other parent is unavailable, children are frequently placed in the care of a relative, friend, or neighbor recommended by the arrested parent. If it is clear that the arrested parent was not providing a safe environment for his or her child-- for example, if the parent was fabricating drugs inside of the home--police may decide to call child protective services to investigate the situation and assess whether out-of-home placement may be needed.

Stage Two: Presentence Period, Trial, and Potential Conviction

The parent works with a defense attorney and choses either to contest the case by going to trial or to plead guilty and accept punishment. If the case goes to trial, the parent may be found guilty or not guilty. If found not guilty, the parent will be released, or if found guilty, the parent will be sentenced. Sentencing is often held 60 days or more after the trial. Sentences in the federal system typically, although not always, include a period of incarceration.

Stage Three: Incarceration

If convicted and sentenced to a federal term of incarceration, the parent will be incarcerated in a federal prison. He or She may be taken into custody immediately following the imposed sentence, or may be allowed to return to his or her own residence and 'self-surrender' to the federal prison at a later date. The sentence given to the parent determines in part how long he or she will spend incarcerated. Sometimes a parent can be released from incarceration prior to the end of his or her sentence depending upon certain circumstances, such as earning Good Conduct Time credit or credit for completion of the Residential Drug Abuse Program.

Stage Four: Preparation for Release

As federal inmates near the end of their term of incarceration, must transition from prison to a Residential Reentry Center (RRC), also known as a halfway house. At the RRC, the inmate is still serving his or her term of incarceration; however, while at the RRC he/she is given freedom to leave for approved activities, such as seeking employment, working, counseling, or building family ties. Some inmates can also be released to home confinement for the final 10% or six months of their sentence (whichever is less). Inmates are still monitored and have restrictions in place while on home confinement. Inmates generally complete their term of incarceration either at the RRC or on home confinement. A small number of inmates may be released directly from federal prison.

Stage Five: Supervised Release

Following release from incarceration, federal offenders almost always undergo a final period of supervision, called "supervised release," often for a period of three or five years. Unlike the supervision provided while the offender is in prison or in an RRC, which is handled by the Bureau of Prisons; supervision of the offender during "supervised release" is undertaken by the U.S. Office of Probation and Pretrial Services, an arm of the court. When a person is on supervised release, he or she will be subject to a number of rules, such as meeting periodically with a Probation Officer and submitting to drug tests. A small number of individuals may be enrolled in more intensive supervised release programs, called reentry courts, which require more frequent meetings with the Judge, the Probation Officer, and a team of individuals who are focused on the offender's reentry back into society. If the individual violates the conditions of their supervised release, they can be sent back to prison.

[6] Each individual case is different. This timeline is meant to give a general overview of the process.

Child Welfare Timeline for Out-of-Home Care[7]

Stage One: Child is removed from home and taken into the custody of the state or local child welfare agency.

This can occur at the time the parent(s) is arrested.

This can also occur after the parent has been incarcerated for some time. For example, a grandparent may care for the child after his or her parent is arrested, but may not be able to continue caring for the child a year or two into the incarceration.

Stage Two: A child is placed in out-of-home care, which can include:

Foster Care- Children in foster care may live with relatives, unrelated foster parents, or with families who plan to adopt them. Foster care is intended to be short-term, with the focus on returning children home as soon as possible or if reunification is not possible, providing them with permanent families through adoption or guardianship.

Kinship Care- Children in kinship care reside with relatives, members of their tribe or clan, godparents, stepparents, or an adult who has a kinship bond with the child. The care arrangement could be formal with child welfare agency oversight or informal with arrangements made by the family. If it is an informal arrangement between the parent and the relative to care for the child, child welfare has very little, if any, involvement.

Residential Group Care - Agencies place children in residential group care when they are unable to reside in a family setting due to their special needs. These placements range from community-based settings with structured support to locked facilities with intensive treatment interventions.

Stage Three: Continued planning and assessment

While the child is in foster care, formal kinship care, or residential group care, the social worker continues on-going assessment of the case with a formal review occurring every six months using the case plan as the basis for the review. The case plan describes the services provided and the tasks that the family needs to complete for the child to achieve a permanent solution. The incarcerated parent should stay in close touch with the case worker during this time to remain involved in decisions regarding his or her child's welfare.

Stage Four: Permanency

Permanency is a legally permanent, nurturing family for the child and youth. A child in foster care is determined to have achieved permanency when any of the following occurs: (1) The child is discharged from foster care to reunite with his or her family, either a parent or another relative; (2) The child is discharged from foster care to a legally finalized adoption; or (3) The child is discharged from foster care to the care of a legal guardian.

If a child has been in foster care 15 out of the most recent 22 months, the child welfare agency is required by law to initiate termination of parental rights. However, there are some exceptions around this rule that may apply when a parent is incarcerated.

[7] Each child welfare case is different. This timeline gives a general overview of the process.

State Child Welfare Agency Contact Info

The best way to determine the location of a child in the child welfare system is to contact the state foster care program manager.

Alabama Department of Human Resources
Freida Baker
50 North Ripley Street
Montgomery, AL 36130
Phone: (334) 242-9500
Fax: (334) 242-0939
Freida.Baker@dhr.alabama.gov
http://dhr.alabama.gov/services/Foster_Care/Intro_Foster_Care.aspx

Alaska Department of Health and Social Services
Office of Children's Services
KariLee Pietz
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130 Seward Street, Room 4K
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Phone: (907) 465-2145
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karilee.pietz@alaska.gov
http://dhss.alaska.gov/ocs/Pages/default.aspx

Arizona Department of Economic Security
Division of Children, Youth and Families
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https://www.azdes.gov/dcyf/adoption/
Spanish: https://www.azdes.gov/dcyf/adoption/spanish.asp

Arkansas Department of Human Services
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Mona Davis
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Fax: (501) 683-2788
Mona.Davis@arkansas.gov
http://www.fosterarkansas.org/

California Department of Social Services
Sharon DeRego
744 P Street
Sacramento, CA 95822
Phone: (916) 651-1064
sharon.derego@dss.ca.gov
http://www.childsworld.ca.gov/PG1335.htm

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Division of Child Welfare
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http://www.changealifeforever.org/foster.asp

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Ken Mysogland
505 Hudson Street
Hartford, CT 06106
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ken.mysogland@ct.gov
http://www.ct.gov/dcf/cwp/view.asp?a=2561&Q=330740

Delaware Department of Services for Children, Youth and Their Families
Delaware Division of Family Services
John Bates
1825 Faulkland Road
Wilmington, DE 19805
Phone: (302) 633-2665
Fax: (302) 633-2652
jbates@state.de.us
http://www.state.de.us/kids/fs/fostercare.shtml

District of Columbia Child and Family Services Agency
Family Resource Division
Vanessa William-Campbell
200 I Street, SE
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vanessa.williams-campbell@dc.gov

Florida Department of Children and Families
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Phone: (850) 717-4659
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http://www.myflfamilies.com/service-programs/foster-care

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Division of Children & Family Services
Deborah Burrus
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http://dfcs.dhs.georgia.gov/foster-care

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LDean@dhs.hawaii.gov
http://www.hawaii.gov/dhs/protection/social_services/child_welfare/Foster

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Fax: (208) 332-7330
WainainE@dhw.idaho.gov
http://www.healthandwelfare.idaho.gov/Children/AdoptionFosterCareHome/tabid/75/Default.aspx
Spanish:
http://translate.google.com/translate?js=n&prev=_t&hl=en&ie=UTF-8&layout=2&eotf=1&sl=en&tl=es&u=www.dhw.idaho.gov

Illinois Department of Children and Family Services
Division of Foster Care and Permanency Services
Kara Teeple
100 W Randolph, 6th Floor
Chicago, IL 60601
Phone: (312) 814-5575
Fax: (312) 814-1905
Kara.Teeple@illinois.gov
http://www.state.il.us/dcfs/foster/index.shtml

Indiana Department of Child Services
Trystan Ryan
302 West Washington Street
Room E306, MS 47
Indianapolis, IN 46204
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Tristyn.Ryan@dcs.in.gov
http://www.in.gov/dcs

Iowa Department of Human Services
Adult, Child and Family Services
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1305 East Walnut Avenue
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hdavids@dhs.state.ia.us
http://www.dhs.state.ia.us

Kansas Department for Children and Families
Prevention and Protection Services
Mary Cole
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Topeka, KS 66612
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http://www.dcf.ks.gov/services/PPS/Pages/FosterCareServices.aspx

Kentucky Cabinet for Health and Family Services
Department for Community Based Services/
Division of Protection & Permanency
Jennie Willson
275 East Main Street -- 3CE
Frankfort, KY 40621
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http://chfs.ky.gov/dcbs/dpp/fostercare.htm

Louisiana Department of Children & Family Services
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2 Anthony Avenue, SHS #11
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http://www.maine.gov/dhhs/bcfs/fosteradopt.htm

Maryland Department of Human Resources
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jtaylor3@dhr.state.md.us
http://www.dhr.state.md.us/ssa/foster/index.htm

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Joy Cochran
600 Washington Street 6th Floor
Boston, MA 02211
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Fax: (617) 261-7437
Joy.Cochran@state.ma.us
http://www.mass.gov/eohhs/consumer/family-services/foster-care/

Michigan Department of Human Services
Child and Family Services Administration
Nancy Rostoni
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http://www.michigan.gov/dhs/0,1607,7-124-5452_7117---,00.html

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http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000164

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http://www.mdhs.state.ms.us/fcs_resourceparenting.html

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Sara.Goscha@nebraska.gov
http://dhhs.ne.gov/publichealth/Pages/chs_foc_focindex.aspx

Nevada Department of Health and Human Services (DCFS)
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Kathleen Companion
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kcompanion@dhhs.state.nh.us
http://www.dhhs.nh.gov/dcyf/adoption/

New Jersey Department of Children and Families
Division of Child Protection and Permanency/Office of Resource Families
Colette Tobias
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PO Box 717
Trenton, NJ 08625

Phone: (609) 888-7064
Fax: (609) 341-9342

Colette.tobias@dcf.state.nj.us
http://www.njfostercare.org/

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New York State Office of Children and Family Services (OCFS)
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Spanish:
http://www.ocfs.state.ny.us/main/fostercare/overview_sp.asp

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Toll-Free: (800) 331-0503
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http://www.oregon.gov/DHS/children/fostercare/

Pennsylvania Department of Public Welfare (DPW)
Office of Children, Youth, and Families
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http://www.dpw.state.pa.us/forchildren/childwelfareservices/fostercareinpennsylvania/index.htm

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Rhode Island Department of Children, Youth and Families
Permanency Services Unit
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http://www.state.sd.us/social/CPS/Fostercare/index.htm

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Phone: (615) 253-6351
Fax: (615) 253-4717

John.Johnson@tn.gov
http://tennessee.gov/youth/fostercare.htm

Texas Department of Family and Protective Services (DFPS)
Debra Emerson
701 West 51st Street
Mail Code w-157
Austin, TX 78751

Phone: (512) 438-3403

Debra.Emerson@dfps.state.tx.us
http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Foster_Care/

Utah Department of Human Services
Division of Child and Family Services
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http://www.hsdcfs.utah.gov/foster_care.htm

Vermont Department for Children and Families
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http://dcf.vermont.gov/adoption_fostercare

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Virgin Islands Department of Human Services
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http://www.dss.virginia.gov/family/fc/index.cgi

Washington Department of Social and Health Services
Division of Children's Services
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http://www1.dshs.wa.gov/ca/fosterparents/index.asp

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http://www.wvdhhr.org/bcf/children_adult/foster/

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https://sites.google.com/a/wyo.gov/dfsweb/social-services/foster-care

Additional Resources

Child Welfare Information Gateway- The Child Welfare Information Gateway connects child welfare and related professionals to comprehensive information and resources to help protect children and strengthen families. The Gateway includes two landing pages that offer information specifically about children of incarcerated parents:

Children in Out-of-Home Care with Incarcerated Parents- This website provides resources and information about working with children in or at risk of entering out-of-home care whose parents are incarcerated. The site offers a collection of state and local examples of ways to improve care, including findings from state task forces that have specifically studied this issue. The site also offers examples of state materials for parents caring for children and examples of effective ways social workers can engage parents in prison. http://www.childwelfare.gov/outofhome/casework/children/incarcerated.cfm

Services to Children and Families of Prisoners- This website, also part of the Child Welfare Information Gateway offers information about family-centered services for incarcerated parents and their children, including information on parenting programs, family strengthening activities, community supports for families, and gender-specific interventions. http://www.childwelfare.gov/famcentered/overview/approaches/prisoners.cfm

Children's Bureau Express- The Children's Bureau Express is a web newsletter sent to child welfare agencies used to highlight promising resources and tools for child welfare professionals. The Express calls attention to several specific resources relating to working with children of incarcerated parents, including:

When a Parent Is Incarcerated Guide- This guide provides information for public child welfare agencies and caseworkers on working with incarcerated parents and their children. This primer aims to familiarize child welfare professionals with the impact of incarceration on children and provide child welfare and correctional systems with the information necessary to help improve permanent outcomes for children. https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=133&sectionid=5&articleid=3443

A Toolkit for Working with Children of Incarcerated Parents- This is a suggested web-based training toolkit that provides practitioners with the skills required to respond to the needs of children of parents who are in prison or have an incarceration history. The information includes: helpful hints for practitioners, summary of online training videos for social service practitioners; handouts for practitioners, families, and caregivers; research and information for providers; and suggested visitation procedures and inmate locators for prisons and jails. https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=115&sectionid=17&articleid=2856

The Adoption and Safe Families Act: Barriers to Reunification between Children and Incarcerated Mothers- This is an information packet about the barriers to reunification parents often face when trying to be reunited with their children after their prison sentence. The packet provides information about the Adoption and Safe Families Act, best practices tips, and other information about how to provide support to caregivers and foster parents looking after children of incarcerated parents. https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=139&articleID=3641&keywords=parental%20rights

Collaborative opportunities and best practices between child welfare and justice systems- This issue of the Children's Bureau Express highlights several articles discussing the negative mental health impacts incarceration can have on a child and how child welfare agencies can work with justice systems in order to minimize these negative impacts.
https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=137&articleID=3580&keywords=parental%20rights

National Child Welfare Resource Centers- The Resource Centers are funded by the Children's Bureau to provide training and technical assistance with the goal of helping agencies, managers, family and juvenile courts and other child welfare professionals better serve children and families. These include:

- National Resource Center for Child Protective Services - Focuses on building State, local, and Tribal capacity through Training and Technical Assistance (T&TA) in CPS, including meeting Federal requirements, strengthening programs, eligibility for the CAPTA grant, support to State Liaison Officers, and collaboration with other NRCs.
- National Resource Center on Legal and Judicial Issues - Provides expertise to courts, attorneys, Court Improvement Projects, and State and Tribal agencies on legal and judicial aspects of child welfare.
- National Resource Center for In-Home Services - Serves as a national center of expertise in child welfare practice for ensuring the safety of children and youth in their homes and making reasonable efforts to preserve families in which maltreatment has occurred.
- National Resource Center for Permanency and Family Connections - Provides T&TA and information services to help States through all stages of the CFSRs, emphasizing family-centered principles and practices and helping States build knowledge of foster care issues.
    - The National Resource Center for Permanency and Family Connections offers a page of information and resources specifically relating to children of incarcerated parents including resources from the states, information packets, and links to other websites.
      http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/children-of-incarcerated-parents.html

The Federal Bureau of Prisons (BOP) - The Federal Bureau of Prisons, a component of the Department of Justice, protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The Bureau's website provides information about federal prisons across the country, including location of inmates and prison facilities, visiting and communication procedures, and inmate programming.
www.bop.gov

The National Reentry Resource Center- This resource center provides education, training, and technical assistance to states, tribes, territories, local governments, service providers, non-profit organizations, and corrections institutions working on prisoner reentry issues. The Center has a page dedicated to families that offers links to a number of resources, such as frequently asked questions from communities and families about how the reentry of a loved one will affect them or training materials for community organizations working to reconnect families, such as a webinar on how and why probation departments should partner with families.
http://csgjusticecenter.org/reentry/issue-areas/families/

National Institute of Correction's Resources Relating to Children of Inmates- The National Institute of Corrections (NIC) is an agency within the U.S. Department of Justice, Federal Bureau of Prisons. NIC provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies. NIC

also provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers. For specific information related to children of incarcerated parents, the following website provides links to helpful research, tools, reports, and other relevant resources.
http://nicic.gov/Library/Topic/40-children-of-inmates

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