

**MEETING THE NEEDS OF CHILDREN OF INCARCERATED MOTHERS:
THE APPLICATION OF ATTACHMENT THEORY TO POLICY AND
PROGRAMMING**

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EXECUTIVE SUMMARY

Children of incarcerated mothers are an under-studied and under-resourced group of young people who are at serious risk of developmental, behavioural, educational and psychiatric problems. When a mother is incarcerated, the child may lose not only her mother, but also her home, school, friends and familiar community if it becomes necessary to re-locate the child for care purposes. These young people are therefore themselves victims of (their parents') crimes whose needs are rarely considered in the justice and welfare systems, in possible violation of their rights under the *Convention on the Rights of the Child*.

This report provides the theoretical, conceptual and empirical basis for the application of attachment theory to the development of policy and practice with respect to non-custodial sentencing which would recognise the importance of maintaining positive attachment as well as the provision of residential programs for mothers and children and other high quality contact options between infants and children whose mothers have been incarcerated through the provision of visit coaching, parental skills training, family centres in prisons, and extended visiting for older children.

Attachment research has shown that separation of children from their primary caregivers before three years of age can have deleterious effects on the quality of their attachment to their mothers, which in turn is strongly associated with compromised psychological development that may reverberate throughout life. Prior to age three, infants experience heightened periods of separation anxiety and stranger anxiety. Separations during these stages of development are associated with behavioural problems in the short term and in the longer term impaired mental health, and social and occupational functioning. The younger the age of separation, the greater the emotional trauma experienced.

For secure attachment to develop, the infant needs close physical proximity to and physical contact with their mothers. The mother (or primary attachment figure) becomes the secure base from which the infant learns to explore the environment and the safe haven to which the infant returns following fright or upset. The mother needs to provide attuned care giving so that the infant feels secure in her presence and, eventually, confident that she will return after an absence.

A number of successful programs based on attachment theory have been implemented for incarcerated mothers and their infants and young children. Although these programs are in the formative stages, early results show promise in meeting the dual goals of enhancing maternal attunement and consequently, secure attachment in their children.

The Australian criminal justice system is aware of the needs of children of incarcerated mothers. In 1994, in New South Wales, the *Women's Action Plan*¹ recommended, inter alia, the development of the *Mothers and Children Program Policy*, which in turn examined the options available to allow

¹ Loy, M. (2000). A study of the mothers' and children's program in the NSW Department of Corrective Services. Paper presented at the Australian Institute of Criminology Conference, Adelaide. <http://www.aic.gov.au/events/aic%20upcoming%20events/2000/~//media/conferences/womencorrections/loy.ashx>

female inmates to parent their children. In 1997, the *Report into Children of Imprisoned Parents*² provided 97 recommendations to government to improve the lot of this very vulnerable, but essentially invisible and neglected group of children. Two programs were implemented:

- (i) The Mothers & Children program (1996) housed in Jacaranda Cottages forms part of the Emu Plains low security, low risk Correctional Centre for women.³
- (ii) The Parramatta Transitional Centre⁴ was also opened in 1996. It is a pre-release half-way house staffed exclusively by females for female inmates preparing to return to the community.

Aboriginal women comprise 30% of the full time adult female prison population across Australia. Removal of children from Aboriginal mothers has been shown to expose their children to significant risk of neglect, abuse, hunger and homelessness.⁵ The report into Aboriginal women in custody and their children - *Aboriginal Women with Dependent Children Leaving Prison Project - Needs Analysis Report*⁶ highlights the complex needs of these women that must be addressed for successful community re-integration. A number of other recent, high quality reports on this subsample of incarcerated mothers, which are summarized in this report, provide a sound basis for improving the policy and programming for Indigenous mothers and their children.

Incarceration provides an ideal opportunity for the criminal justice system to support women with children by providing services that address both the personal and parenting needs of these mothers, and to implement *in situ* parenting policies and programs that support positive parenting skills and continuous contact of children with their mothers during their incarceration.⁷ Such programs have the long term capacity to reduce re-offending in these women, improve their parenting, thereby assisting the diversion of their children from following in their footsteps to prison.

² *Report into Children of Imprisoned Parents* (1997). <http://www.beyondbars.org.au/ChildOfImprParents.pdf> accessed 30 July 2012.

³ Justice Action campaign for re-instatement of conditions at Jacaranda Cottage
http://www.justiceaction.org.au/index.php?option=com_content&task=view&id=115&Itemid=107

⁴ Parramatta Transitional Centre
<http://www.bing.com/search?q=Parramatta+Transitional+Centre&FORM=IE8SRC>

⁵ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, q Australian Institute of Criminology, pg 1

⁶ Baldry, E., Ruddock, J., Taylor, J., 2008, *Aboriginal Women with Dependent Children Leaving Prison Project – Needs Analysis report*, January.
http://www.homelessnessnsw.org.au/uploads/50463/ufiles/Aboriginal_women_with_dependent_children_leaving_prison_project_needs_analysis_report.pdf accessed 12 July 2012

⁷ Cassidy, J., Poehlmann, J., & Shaver, P. R. (2010). An attachment perspective on incarcerated parents and their children. *Attachment & Human Development*, 12(4), 285-288.

PART 1: Attachment theory: The development of secure attachments in infancy and childhood

Attachment is a biologically based motivational-behavioural system whose goal is to ensure survival of the helpless infant. Attachment is defined as a ‘relationship that develops between two or more organisms as they become attuned to each other, each providing the other meaningful stimulation and arousal modulation’⁸ (p. 545). The critical features of recent definitions of attachment include;

- (i) its capacity for arousal reduction through the caregiver’s prompt response to distress and negative affect
- (ii) the reinstatement of a sense of security following arousal, and
- (iii) the open and synchronous responsiveness to infant communications^{9,10}.

Margaret Mahler and colleagues^{11,12} described this process of attachment development and how secure attachment is related to the development of autonomy and self-concept. The process is schematically represented in Figure 1.

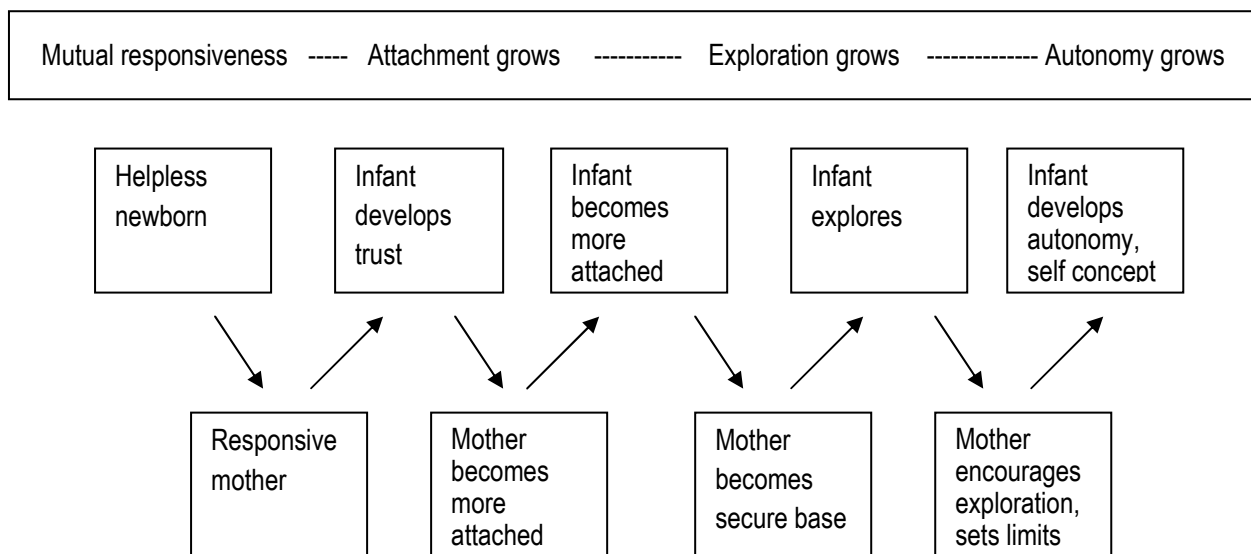


Figure 1 Schematic representation of Mahler’s model of attachment, growth of autonomy and the development of self concept

⁸Field, T. (1996). Attachment and separation in young children. *Annual Review of Psychology*, 47, 541-561.

⁹Zeanah, C. H. (1996). Beyond insecurity: A reconceptualisation of attachment disorders of infancy. *Journal of Consulting and Clinical Psychology*, 64 (1), 42-52.

¹⁰Zeanah, C. H., & Fox, N. A. (2004). Temperament and attachment disorders. *Journal of Clinical Child & Adolescent Psychology*, 33(1), 32-41.

¹¹Mahler, M. (1972). On the first three phases of the separation-individuation process. *International Journal of Psychoanalysis*, 53, 333-338.

¹²Mahler, M. (1972). On the first three phases of the separation-individuation process. *International Journal of Psychoanalysis*, 53, 333-338.

Prior to about four months of age, infants react to people in a similar way, that is, they show indiscriminate attachment to all caring figures. By about four months of age, infants will smile and vocalize more with their mothers than other adults, behaviours that indicate that differentiation between the mother and other caregivers is occurring. Most infants experience separation anxiety and stranger anxiety, commencing from between six to nine months of age¹³. During this phase, infants will cry when mother leaves, and cling to her when she reappears. Infants will also show a fear of strangers and a reluctance to be held by them.

Intense attachment to mother continues to about three years of age, although with increasing mastery over their environments, infants will also attach to other significant figures, such as grandparents, siblings, and day-care workers. Infants thus develop a 'hierarchy of attachment' to several people, but mother is usually at the top of that hierarchy¹⁴.

As cognitive development proceeds and person permanence and object permanence develop (i.e. belief that a person or object continue to exist when out of sight), infants learn to accept mother's short temporary absences because they now understand that she will return.

Separations or disruptions to the attachment between a mother and her child before three years of age can have major negative consequences for the child's subsequent development that may reach into adulthood. Failure to develop secure attachment through high quality parent-child relationships in early life also has a significant impact on later mental health and illness.

Determinants of Secure Attachment

It was initially believed that infants' attachment to their mothers was based on their survival needs for nourishment^{15,16}. However, Harry Harlow, working with rhesus monkeys, showed that physical contact is the most important element in promoting infant attachment to a caregiver¹⁷.

Subsequently, Ainsworth developed a research technique to assess the quality of attachment in infants and young children, called the Strange Situation Test (SST)⁸. From her observations of infant behaviour in this situation, Ainsworth distinguished secure and insecure attachment patterns in infants, which were based on mothers' degree of sensitivity to the needs of her infant. Paternal sensitivity also promotes secure attachment in infants¹⁸.

Attachment security is stable through to adulthood, indicating its importance in providing a secure foundation for later development.

¹³ Goubet, N., Rochat, P., Marie-Leblond, S., & Poss, S. (2006). Learning from others in 9-18-month-old infants. *Infant and Child Development*, 15(2), 161-177.

¹⁴ Grossmann, K. E., & Grossmann, K. (2005). Universality of human social attachment as an adaptive process from http://www.brown.edu/Departments/Human_Development_Center/Roundtable/Grossman2.pdf

¹⁵ Ainsworth, M. D., & Bell, S. M. (1970). Attachment, exploration and separation: Illustrated by the behavior of one-year-olds in a strange situation. *Child Development*, 41, 49-67.

¹⁶ Bowlby, J. (1969). *Attachment and Loss*. In Attachment (Vol. 1). London: Hogarth Press.

¹⁷ Harlow, H. F. (1997). The nature of love (1958). In J. M. Natterman (Ed.), *The Evolution of Psychology: Fifty Years of the American Psychologist* (pp. 41-64). Washington, DC: American Psychological Association.

¹⁸ Cox, M. J., Owen, M. T., Henderson, V. K., & Margand, N. A. (1992). Prediction of infant-father and infant-mother attachment. *Developmental Psychology*, 28, 474-483.

Insecure attachment and attachment disorders arise when a significant attachment relationship is absent, lost and not replaced (as in the case of maternal death or maternal incarceration), or as a result of maternal deprivation (mother is insensitive, unresponsive, neglectful or abusive) in the absence of other compensating relationships.

Children with early insecure attachments have significantly poorer peer relations, greater moodiness and symptoms of depression and anxiety compared with securely attached children¹⁹. Family adversity, child temperament and characteristics, ineffective parenting²⁰ and insecure attachment combine in complex ways to influence adaptation throughout the lifespan²¹.

Attachment quality is multi-determined and includes the social context into which both parents and their children are born. Innate characteristics of parents, their early life experiences, including relationships with their own caregivers, interact with current life experiences, such as a supportive or abusive partner or financial stress, to influence the level of psychosocial adjustment achievable, their ability to cope, and the emergence of psychopathology. All of these factors contribute to the quality of parenting that they are able to provide to their children. The quality of attachment is determined by the quality of parenting and by the presence and quality of compensatory relationships that are available to the child. Object relations (i.e. internal working models or mental representations of relationships) and available resources, both material and personal, determine the way in which experiences are appraised, and these factors form the basis for the development of the coping repertoire of the individual. From this repertoire, behavioural attempts to cope with challenges emerge, and the outcome of this coping behaviour is either resilience (positive coping under conditions of risk) or vulnerability (maladaptive coping, including the development of psychopathology). The child then transfers these experiences into their parenting of the next generation of children. Kenny (2000)²² has developed a schematic representation that attempts to integrate the developmental, attachment and coping literatures to include all the factors responsible for the trajectories of resilience and vulnerability. This model is presented in Figure 2.

¹⁹ Elicker, J., Englund, M., & Sroufe, L. A. (1992). Predicting peer competence and peer relationships in childhood from early parent-child relationships. In R. D. Parke & G. W. Ladd (Eds.), *Family-Peer Relationships: Modes of Linkage* (pp. 77-106). Hillsdale, NJ: Erlbaum.

²⁰ Baumrind, D. (1971). Current patterns of parental authority. *Developmental Psychology Monograph*, 4 (1, Part 2).

²¹ McEwen, B. S. (2003). Early life influences on life-long patterns of behavior and health. *Mental Retardation and Developmental Disabilities Research Reviews*, 9(3), 149-154.

²² Kenny, D. T. (2000). Psychological foundations of stress and coping: A developmental perspective. In D. T. Kenny, J. G. Carlson, F. J. McGuigan & J. L. Sheppard (Eds.), *Stress and Health: Research and Clinical Applications* (pp. 73-104). Ryde, NSW: Gordon Breach Science/Harwood Academic Publishers.

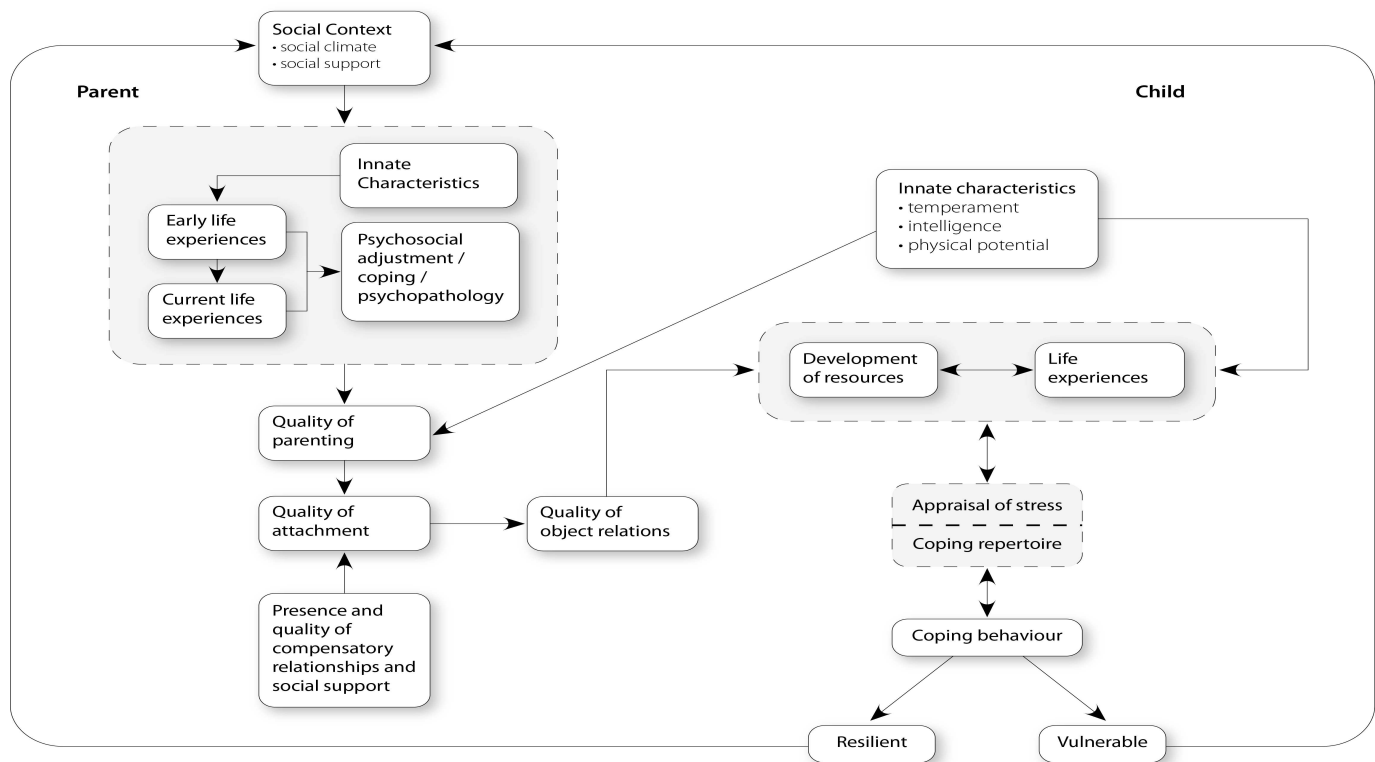


Figure 2 A model of the generational transmission of resilient and vulnerable behaviour (from Kenny, 2000)

The (secure) attachment system is characterized by four key elements^{23,24}:

1. Maintenance of the infant's **physical proximity** to its caregiver. The infant will use behaviours such as crying, clinging, crawling, searching and reaching for the attachment figure to attain physical closeness.
2. Using the attachment figure as a "**secure base**" from which to explore the environment. Observations of toddlers in parks highlight this function of attachment. With the parent sitting on a park bench, the young child will start to venture further afield, but will maintain some contact with the caregiver through turning, making eye contact or vocalizing. S/he will periodically return to home base to receive reassurance before again venturing out on further explorations. If the attachment figure disappears, exploration will cease immediately and search behaviour for the attachment figure will commence.
3. Return to the attachment figure as a "**safe haven**" when in danger or alarmed. Unlike some primates, who flee to a place, like a burrow, to escape threat, humans seek safety in the company of a person or group with whom they are affiliated. Infants automatically seek their primary attachment figure (usually the mother) when feeling endangered.
4. Originally conceived as a system whose outcome was protection from present danger, Bowlby (1988) later expanded his view of **the role of attachment to include reassurance of the ongoing (emotional) availability of the caregiver**. He had observed that a caregiver could be physically available to an infant, but if s/he were emotionally non-responsive, emotional development, and, if severe and prolonged, physical development could be

²³ Ainsworth, M. D. (1963). The development of mother-infant interaction among the Ganda. In B. M. Foss (Ed.), *Determinants of Infant Behaviour* (Vol. 2, pp. 67-112). New York: Wiley.

²⁴ Bowlby, J. (1973). *Attachment and Loss* (Vol. 2. Separation: Anxiety and Anger). New York: Basic Books.

compromised. The final, critical step in the theory of secure attachment was that the infant's or young child's appraisal of the caregiver produced an experience of "**felt security**," defined as a subjective or internal experience of comfort and safety.

Attachment quality

Mary Ainsworth (1963) investigated via observation of mother-infant dyads in controlled conditions the patterns of communication and relationship between mothers and their infants in order to understand the factors that resulted in either secure or insecure attachment, that is, the outcomes of the child's expectations of the caregiver that became encoded as internal working models of important relationships. Ainsworth identified three main forms of attachment, to which a fourth was added later by Mary Main (1995)²⁵.

1. Secure attachment: securely attached infants feel safe to explore and confident that their proximity and comfort seeking behaviour when distressed will be responded to appropriately. Mothers of securely attached infants are sensitive and responsive to their babies' signals, are quick to comfort them when distressed and happy to let them explore safely. These mothers are characterized by sensitivity, emotional availability, acceptance, and collaboration with (rather than control of) their infant.
2. Avoidant attachment: avoidant infants show a very different pattern of communication with their caregiver. Unlike securely attached infants, avoidant infants do not acknowledge their mother's presence (i.e. they do not seek proximity) and they do not react with distress when she leaves. They appear calm and more interested in exploring the environment than in making contact with their mothers. Despite the apparent lack of distress, these infants have greatly elevated heart rates and circulating cortisol (stress hormone). These babies had learnt that any attempts to gain comfort and care from their mothers would be futile and hence their attachment behaviours had extinguished. Mothers of avoidant infants were characterized by inhibition of emotional expression, verbal and physical rejection of their infants, aversion to physical contact, and insensitivity to their infants' emotional signals and overtures.
3. Ambivalent attachment: Ainsworth identified two types of ambivalence - one characterized by anger and the other by passivity. Both types of ambivalent infants were too concerned about their mothers' whereabouts to feel free to explore and both responded with intense distress when she left them. However, when mother returned, angry infants, in turn re-connected with their mothers but then rejected their approaches. Passive infants, overcome by feelings of misery and helplessness, made only token attempts to regain their mothers' attention. However, both angry and passive infants remained preoccupied with their mothers' whereabouts, even when they were present. Mothers of ambivalent infants were unpredictable in their availability to their children, insensitive to their emotional signals, and discouraged their children's development of autonomy, as evidenced by the inhibition of their exploratory behaviour.
4. Disorganized attachment: infants showing disorganized attachment had parents who were simultaneously experienced as the safe haven and the source of danger. Following reunion after separation, disorganized infants showed a series of inexplicable and bizarre behaviours that include freezing, collapsing to the floor, and appearing dazed and confused. These

²⁵ Main, M. (1995). Attachment: overview and implications for clinical work. In S. Goldberg, R. Muir & J. Kerr (Eds.), Attachment theory: Social, Developmental and Clinical Perspectives (pp. 404-474). Hillsdale, NJ: Analytic press.

behaviours came to be understood as the expression of opposing impulses to simultaneously approach and avoid their mothers. The majority of maltreated infants show this pattern of disorganized attachment, which occurs when the infant experiences the parent as frightening or frightened (for example, parents who are mentally ill, substance affected or chronically depressed or anxious)²⁶.

The development of attachment styles is an interpersonal process that unfolds in response to the interaction between the parents' care giving style and the infant's temperament and other characteristics. Infants with secure attachment have mothers who are secure and autonomous with respect to their adult functioning and their experience of their own attachment relationships.

For parents who have insecurely attached infants, three distinct patterns of adult states of mind with respect to attachment have been identified and these mirror the type of disordered attachment in their children.

Parents of avoidant infants tend to have a dismissing state of mind in which they minimize or devalue the influence of their own attachment experiences. Accordingly, they have difficulty trusting others. They may sustain long term relationships but do not experience emotional intimacy in those relationships. They are, as Bowlby described, compulsively self-reliant and reluctant to feel or express emotions. Instead, such people tend to display excessive physiological arousal, as do avoidant infants, who display little overt distress when their mothers leave, but whose physiological arousal betrays their stress²⁷. Dismissing parents ignore or suppress their infants' attachment needs, and such infants learn to live as if they had no such needs. These needs cannot be extinguished, but the use of minimizing or deactivating strategies that support emotional distance, control and self-reliance suppress the awareness of such needs.

Parents of ambivalent infants have a preoccupied state of mind, so called because their past unsatisfactory attachment experiences continually intrude upon their present life and relationships. They have a history of recurrent trauma or loss that remains unresolved, and they are hence too distressed by the past to effectively respond to the attachment behaviours of their children. The emotional life of such parents is governed by feelings of helplessness and fears of abandonment, disapproval or rejection; hence, they are discouraging of their child's growing autonomy. In contrast to avoidant infants, ambivalent infants use hyper activating strategies that amplify their affect in an attempt to secure the attention of their unreliably available parents.

Parents of disorganized infants are also described as unresolved/disorganized because they suffered repeated and painful trauma while simultaneously having no safe context in which to process and resolve their traumatic experiences. Responses to unresolved trauma include fear, emotional withdrawal, and dissociation. One way that people with such attachment experiences cope is to self-protectively split off unbearable states of mind from others that are more tolerable and able to be integrated into the developing sense of self. Children of such parents will often take on a controlling, parental role in an attempt to manage a frightening situation, in which the parent will unpredictably explode in physical or emotional abuse of their child.

²⁶ Main, M., Hesse, E., & Kaplan, N. (2005). Predictability of attachment behaviour and representational processes. In K. E. Grossman, K. Grossman & E. Waters (Eds.), *Attachment from Infancy to Adulthood: Lessons from Longitudinal Studies* (pp. 245-304). New York: Guilford Press.

²⁷ Spangler, G., & Grossmann, K. E. (1993). Biobehavioural organization in securely and insecurely attached infants. *Child Development*, 64, 1439-1450.

Summary of attachment styles in infants and parents

Table 1: Childhood attachment styles

<u>Secure</u>	<u>Avoidant</u>
In the SST the child expresses protest when mother leaves, but responds positively to mother's return and is comforted by her.	In the SST the child shows little or no distress when mother leaves and displays little or no visible response upon the caregiver's return.
<u>Ambivalent</u>	<u>Disorganised</u>
In the SST the child displays sadness when the mother leaves but upon return is warm to the stranger but is ambivalent and angry with mother.	In SST the child displays bizarre responses to the mother's return. Child appears frozen, dazed or confused and has no coherent strategy to reconnect with mother.

Table 2: Adult attachment styles

<u>Secure (autonomous)</u>	<u>Pre-occupied</u>
Positive view of both self and partner. Comfortable with intimacy and independence - able to balance these in relationships.	Positive view of others but negative view of self. Overly dependent on others. Intense feelings of unworthiness and excessive need for approval.
<u>Dismissing</u>	<u>Unresolved/disorganized</u>
Compulsive self-reliance with positive self image. Minimize importance of intimate relationships. May appear hostile and competitive.	Believe they are unlovable and perceive others as uncaring and unavailable. Avoid intimacy because they have difficulty trusting others but crave closeness.

Attachment systems are transmitted from parents to children; that is, a child's attachment security can be predicted with a high degree of concordance from their mother's state of mind with respect to attachment. A combination of quality of parent-child interactions and genetic factors (shared genes between parents and their children) mediate this intergenerational transfer of attachment quality²⁸ (Table 3).

Table 3: Adult-child relationships

1. Secure parents	—————▶	secure infants
2. Preoccupied parents	—————▶	ambivalent infants
3. Dismissing parents	—————▶	avoidant infants
4. Disorganised/unresolved parents	—————▶	disorganized infants

Emotional regulation and mentalisation

²⁸ Ein-Dor, T., Mikulincer, M., Doron, G., & Shaver, P. R. (2010). The attachment paradox: How can so many of us (the insecure ones) have no adaptive advantages? *Perspectives on Psychological Science*, 5(2), 123-141.

Emotions are, in the first instance, bodily experiences. It is through the sensitively attuned attachment relationship that emotions are modulated, regulated, and understood. When such a relationship is absent or impaired, so too is the capacity for emotional regulation, including the capacity to accurately identify, name and understand emotional experience, a process called mentalisation²⁹. Gunderson (in Bateman and Fonagy, 2004) defines it thus:

...a sense of self develops from observing oneself being perceived by others as thinking or feeling. The stability or coherence of a child's sense of self depends upon sensitive, accurate and consistent responses to him and observations about him by his caretakers. By internalizing perceptions made by others about him, the infant learns that his mind does not mirror the world, his mind interprets the world. This is termed a capacity to mentalise, meaning the capacity to know that one has an agentive mind and to recognize the presence and importance of mental states in others (p. vi).

Without a capacity to mentalise, emotions are experienced only as somatic sensations (e.g. pounding heart, sweating, dry mouth, trembling etc) or physical symptoms (e.g. headache, gastrointestinal complaints, muscle tension etc) and are never fully comprehensible to the person experiencing these states.

The psychological equivalent of the physical response to life threatening situations - tonic immobility or "playing dead"- is dissociation. Emotional experiences that are too painful or traumatic, or are judged to be unacceptable to the primary attachment figure are split off or separated from other emotional states that are more 'acceptable' to the caregiver or tolerated by the individual and which can therefore be integrated into one's sense of self. The intolerable affects remain dissociated, undeveloped and stored somatically, that is, in the body³⁰.

Individuals whose early attachment experiences were unsatisfactory develop multiple internal working models, some of which are defensively dissociated from others and from awareness, creating the risk of rapid shifts from manageable to overwhelming states of mind. Hence, **failure of attachment relationships can undermine the development of cortical structures that are associated with both affect regulation and mentalisation**. The result is chronic hyper arousal, such as that seen in severe anxiety, which cannot be modulated by mentalising or seeking comfort from an attachment figure (Schore, 2003). Such hyper arousal is experienced outside of one's control because the disturbed attachment experiences have resulted in the lack of a stable sense of self with the capacity for symbolic representation of one's own mental states. Hence, their affect remains intense, confusing, poorly labelled or understood and above all, unregulated.

The attachment system remains active during adulthood and continues to exert a significant influence on psychological and social functioning. **Adults respond to perceived threats with activation of the mental representations of attachment figures laid down in infancy and childhood, as a means of coping and regulating emotions**²². When these attachment systems are faulty, their activation at times of stress and crisis is likely to result in emotional dysregulation in which anxiety feels unmanageable. Such systems are not able to support the mitigation of distress or the attainment of felt security. Instead, distress is intensified and alternative, secondary attachment strategies involving either hyper activation or deactivation of the attachment system are triggered²⁰.

²⁹ Fonagy, P., Gergely, G., Jurist, E., & Target, M. (2004). *Affect regulation, Mentalization, and the Development of the Self*. New York: Other Press.

³⁰ Wallin, D. J. (2007). *Attachment in Psychotherapy*. New York: The Guildford Press.

People who experience attachment-related anxiety, that is, anxious attachment, in which the predominant concern is the unavailability of the attachment figure in times of need, will hyperactivate the attachment system in order to attract the attention of the emotionally absent caregiver. In contrast, those who experience attachment-related avoidance, that is, an avoidant attachment style, distrust their attachment figures and will deactivate the attachment system in favour of dealing independently with danger or threat²². Those who are securely attached demonstrate both a strong sense that they can manage the threat and seek support from others to aid their own coping efforts. Anxiously attached individuals will catastrophize about the severity of the threat and will become insistent about their need for support to deal with it. Avoidantly attached individuals will minimize the threat and attempt to cope with it alone³¹.

PART 2: Risk and Attachment Relationships in Children of Incarcerated Mothers

Children of imprisoned mothers are an understudied and under resourced group of young people who are at serious risk of developmental, behavioural, educational and psychiatric problems. When a mother is incarcerated, the child may lose not only her mother, but also her home, school, friends and familiar community if it becomes necessary to re-locate the child for care purposes.

A number of Australian studies have highlighted the extreme vulnerability of this group of children, many of whom come to the attention of child protection and welfare agencies and become the subject of child protection proceedings in children's courts. Rarely is there a co-ordinated response by relevant organizations such as the child protection and justice systems, and no formal case-planning to provide a coherent care plan.³²

Consequently, these children are at high risk for adverse outcomes, not the least of which is eventual transition into criminality and the criminal justice system. Kenny and Nelson³³ found that 43% of incarcerated young offenders had a parent with a criminal history; 61% had a parent or other relative with a history of incarceration. For Indigenous young offenders, 90% had parents or other relatives with a criminal history involving incarceration. Levy³⁴ argued that these young people are themselves victims of (their parents') whose needs are rarely considered in the justice and welfare systems, in possible violation of their rights under the *Convention on the Rights of the Child*.

Untangling the many factors associated with the quality of attachment relationships in children of incarcerated mothers is difficult, but issues include:

- (i) Quality of pre-incarceration relationship with mother (i.e. quality of the child's mental representations of attachment relationships)

³¹ Cassidy, J., & Shaver, P. R. (Eds.). (2008). *Handbook of Attachment: Theory, Research, and Clinical Applications* (2nd ed.). New York: Guilford Press.

³² Sheehan, R. & Levine, G. (2007). *Parents as prisoners: maintaining the parent-child relationship*. Monograph, Criminology Research Council, 39/05-06.

³³ Kenny, D.T., Nelson, P.K. (2008). *Young Offenders on Community Orders: Health, Welfare and Criminogenic Needs*. Sydney, Australia: Sydney University Press. ISBN 978-0-9804117-0-6.

³⁴ Levy, M. H. (2008). Children of prisoners: who considers their suffering? *Human Rights Defender*, 7, 3, 20-22.

- (ii) Mental health of mother
- (iii) Temperament and traits of child
- (iv) Age of child at time of mother's incarceration
- (v) In older children, their capacity for verbal reasoning
- (vi) Presence and availability of father before and during mother's incarceration
- (vii) Degree to which family ties can be maintained
- (viii) Availability of stable care during mother's incarceration
- (ix) The manner in which the substitute caregiver manages the child's reactions to separation
- (x) Opportunity for the child to stay with or regularly visit mother while incarcerated
- (xi) Quality of connection to a social network

On average, about 65% people in a general population are securely attached, 20% are avoidant, and 15% are anxious. These distributions remain relatively constant across the lifespan, from infancy to adulthood³⁵.

By comparison, the quality of attachment relationships in children aged 2.5 and 7.5 years, whose mothers had been incarcerated, are of great concern: only 37% had secure attachment to their mothers; 37% showed negative-avoidant/detached relationships with mother; and 26% showed highly ambivalent and/or disorganized attachment relationships with their mothers.³⁶ Older children were more likely to have representations of secure attachment than younger children. However, ***the most significant factor predicting secure attachment in children was living with the same caregiver since separation from mother.***

Interventions for mothers in custody and their children

There is a growing body of work that indicates that policies that allow infants to co-reside with their incarcerated mothers have higher attachment security than those who do not.

An attachment perspective founded on developmental psychoanalytic theory that highlights the importance of the earliest attachment relationships and the subsequent development of positive mental representations of these relationships that build resilience as the child grows is the most heuristic and accurate framework on which to develop policy and interventions for children of incarcerated mothers. A number of models built on the child psychoanalytic theories of Anna Freud have been successfully implemented in the community with very high risk infants and children³⁷.

New Beginnings, a short term, experience-based program built on attachment-informed psychoanalytic principles, has been developed and implemented with incarcerated mothers and their infants in the United Kingdom. Its aim is to build secure attachment relationships by teaching mothers to observe their babies' communications, reflect on their meaning and to respond in an

³⁵ van IJzendoorn, M. H., & Sagi, A. (1999). Cross-cultural patterns of attachment: Universal and cultural dimensions. In J. Cassidy & P. R. Shaver (Eds.), *Handbook of Attachment: Theory, Research, and Clinical Applications* (pp. 713-734). New York: Guilford.

³⁶ Poehlmann, J. (2005). Representations of attachment relationships in children of incarcerated mothers. *Child Development*, 76, 3, 679-696.

³⁷ See, for example, Woodhead & James, 2007; Baradon & Steele, 2008; Tomas-Merills & Chakraborty, 2009; James with Newbury, 2009; Dalley, 2009.

attuned and sensitive manner to these signals. The impact of separation is not the only risk to infants and young children of incarcerated. Their mothers' competence as attuned caregivers is also critical to healthy development. Contact without attunement is unlikely to result in the development of secure attachment, as demonstrated in community studies where the mother is constantly present in a physical sense, but absent emotionally due to mental health issues, substance abuse, depression, domestic violence, and financial insecurity, among other stressors. However, co-residence, particularly in infants and children younger than three years of age, enhances the attachment relationship.

For example, in a study of 30 co-residing infants, 60% were deemed to be securely attached using the Strange Situation Procedure, a rate that matches population estimates of secure attachment. However, significantly more infants (75%) who co-resided longer than a year were securely attached than those who resided less than a year (43%). The former group showed significantly better adjustment than community samples of mothers with low income, depression, or drug/alcohol abuse and higher than would have been predicted by the mothers' own level of attachment security. This carefully executed study demonstrated the clear benefits to both mothers and infants when co-residing programs are in place in prisons. Although no longitudinal data are yet available on long term outcomes for such infants, a secure beginning provides the best possible start to life.³⁸

Detention may paradoxically provide a valuable opportunity for some incarcerated mothers who had endured compromised life circumstances on the "outside" to develop their parenting skills because they are free from many of the personal, social and economic stressors that preceded their incarceration and were causal in their poor attachment with their infants. Preliminary evaluation of the New Beginnings program using pre- and post- treatment interviews [*Parent Development Interview*] that assess mothers' thoughts and feelings (i.e. reflective capacity) about their babies in 27 participating dyads showed significant increases in mothers' parenting capacity and parallel development of secure attachment in their infants.³⁹

Similar programs have yielded similar positive results. For example, the implementation of an eight-session parenting program aimed at helping mothers cope with the stress of separation from children and to improve communication with children during visits and their substitute caregivers, resulted in reduced parenting stress, improved alliance with substitute caregivers, increased letter-writing, and reduction of mental distress symptoms in 90 incarcerated mothers who completed the program. Unfortunately, there was a high dropout rate, so further work needs to be undertaken to include elements in the program that motivate completion.⁴⁰

For older children, regular maternal contact through visits can assist to maintain the continuity of the mother-child relationship and reassure the child of the mother's continuing presence in their lives. To this end, some prisons have implemented a visits coaching program that assists mothers to

³⁸ Byrne, M., Goshin, L., & Joestl, S. (2010). Intergenerational transmission of attachment for infants raised in a prison nursery. *Attachment & Human Development*, 12(4), 375-393.

³⁹ Baradon, T., Fonagy, P., Bland, K., Lenard, K., & Slead, M. (2008). New beginnings--An experience-based programme addressing the attachment relationship between mothers and their babies in prisons. *Journal of Child Psychotherapy*, 34(2), 240-258.

⁴⁰ Loper, A. B., & Tuerk, E. H. (2011). Improving the emotional adjustment and communication patterns of incarcerated mothers: Effectiveness of a prison parenting intervention. *Journal of Child and Family Studies*, 20(1), 89-101.

maximize the time spent with children during visits to enhance the satisfaction of developmental needs. The value of family centres within the jail where mothers and children can meet for visits to play, chat and enjoy physical contact have also been documented in overseas research⁴¹. In Australia a range of services exists to facilitate more positive visits. Multi-purpose rooms and play equipment are provided in some centres SHINE for Kids has developed a Prison Invisits Program, with a range of activities provided for the children supported by Early Childhood workers and volunteers.

PART 3: Mothers in custody: The Australian perspective

Background

According to the NSW Inmate Census 2011 7.0% of all incarcerated offenders were female; of these 26.2% were Aboriginal; 40% were aged between 25 and 34 years; 42.2% had been incarcerated on more than one occasion; 58% had never been married. 42.2% had had prior imprisonments⁴². In 2010-11 there was an average full-time Aboriginal female offender population of 196, lower than that of the previous five years, decreased by -3.0%, an annual decrease of -0.5⁴³. In the six month period between 1 September 2010 and 28 February 2011 56.4% of non-Aboriginal women and 66.3% of Aboriginal women were mothers. Of these 43.9% of non-Aboriginal women and 33.3% of Aboriginal women were living with their children prior to custody⁴⁴. The “typical” female inmate tended to be young, undereducated and unemployed; their most typical offences were property and illicit drug offences⁴⁵.

It is an inescapable fact that the incarceration of mothers has wide ranging negative impacts on their children and family unit, which often disintegrates following removal of the mother.⁴⁶ One of the most traumatic factors for women adjusting to incarceration is the grief suffered by those who are mothers who have lost contact with their children.^{47,48}

Women with children who are exiting prison also face formidable challenges to their successful re-entry into the community. These challenges include finding housing, employment, satisfying the conditions of their supervision, and re-assuming their roles as mothers. Mothers at the point of release from prison face the same problems that were associated with their incarceration: poverty, lack of education, unstable housing, lack of access to social services, under-employment, and substance abuse. Although most women are highly motivated to stay out of prison for the sake of their children, their unsolved life issues have a negative impact on their ability to parent and indeed,

⁴¹ Beyer, M., Blumenthal-Guigui, R., & Krupat, T. (2010). Strengthening parent-child relationships: Visit coaching with children and their incarcerated parents. In Y. R. Harris (Ed.), *Children of incarcerated parents: Theoretical, development, and clinical issues* (pp. 187-214). New York: Springer.

⁴² Australian Bureau of Statistics *Prisoners in Australia 2011*

⁴³ CSNSW *Female Offenders: A Statistical Profile* December 2011

⁴⁴ CSNSW *Children of Inmates Facts and Figures*

⁴⁵ CSNSW *Female Offenders: A Statistical Profile* December 2011

⁴⁶ Dallaire, D. H. (2007). Incarcerated mothers and fathers: A comparison of risks for children and families. *Family Relations. An Interdisciplinary Journal of Applied Family Studies*, 56(5), 440-453.

⁴⁷ Schen, C. R. (2005). When mothers leave their children behind. *Harvard Review of Psychiatry*, 13(4), 233-243.

⁴⁸ Arditti, J., & Few, A. (2008). Maternal distress and women's re-entry into family and community life. *Family Process*, 47(3), 303-321.

to avoid re-incarceration.⁴⁹ Such impacts are intergenerational; for example, mothers' regular substance abuse is a strong predictor of adult child incarceration.⁵⁰

Between 1981 and 1996 no woman in custody in NSW was able to care for her young child while incarcerated. Prior to 1981, only one program addressed the issue of continuity of maternal care for pre-school aged children whose mothers were serving custodial sentences. The program operated at the Mulawa Correctional Centre (for women) between 1979 and 1981. There are many benefits to the implementation of such programs: these include the reduction in the trauma of separation of children from their incarcerated mothers and the rehabilitative effects of the prevention of separation on their mothers, including increased motivation to tackle substance abuse issues, to attend counselling and parenting courses, to adhere to the conditions of their parole and indeed, to reduce re-offending⁵¹.

Policies and programs for mothers in custody in Australian settings

There have been some high quality reviews, policy development and program implementation with respect to incarcerated women who are mothers. This oeuvre will be summarized below because most of the principles and policies developed for women prisoners generally are also relevant and applicable to Indigenous incarcerated women who are mothers.

In 1994, in New South Wales, the *Women's Action Plan*⁵² recommended, inter alia, the development of the *Mothers and Children Program Policy*, which in turn examined the options available to allow female inmates to parent their children. These options included:

- (i) Approved absence pursuant to section 26(2)(l) of the *Crimes (Administration of Sentences) Act, 1999*.
- (ii) Caring for child or children full time while in custody (the Full Time Residence Program) to the age of 5 years.
- (iii) Occasional accommodation for children such as on weekends and school holidays (the Occasional Residence Program) (p. 3).

This policy was predicated upon a number of guiding principles and objectives to be achieved by the implementation of those principles. These are reproduced below, from Loy (2000):

Guiding Principles

1. The best interest of the child is the paramount consideration;
2. Imprisonment in itself is neither evidence of a mother's lack of desire, nor of her ability, to perform her parental duties;

⁴⁹ Brown, M., & Bloom, B. (2009). Re-entry and renegotiating motherhood: Maternal identity and success on parole. *Crime & Delinquency*, 55(2), 313-336.

⁵⁰ Dallaire, D. H. (2007). Incarcerated mothers and fathers: A comparison of risks for children and families. *Family Relations: An Interdisciplinary Journal of Applied Family Studies*, 56(5), 440-453.

⁵¹ Brown, M., & Bloom, B. (2009). Re-entry and renegotiating motherhood: Maternal identity and success on parole. *Crime & Delinquency*, 55(2), 313-336.

⁵² Loy, M. (2000). A study of the mothers' and children's program in the NSW Department of Corrective Services. Paper presented at the Australian Institute of Criminology Conference, Adelaide. <http://www.aic.gov.au/events/aic%20upcoming%20events/2000/~//media/conferences/womencorrections/loy.ashx>

3. Participation in the full time residence program is the option of last resort, to be used when there are no satisfactory alternatives for the placement of the child or children available;
4. Children residing in, or spending time at a correctional centre are the sole responsibility of their mother; and
5. Participation in the full time residence program must never be used as part of the hierarchy of privileges and sanctions (p. 3).

Objectives of the Principles

1. Ensure that the placement of any child at a NSW correctional centre meets the best interest of the child;
2. Ensure that the program is fair and equitable;
3. Provide a safe and supportive environment in which selected inmate mothers can care for their child or children;
4. Ensure that the environment in which inmate mothers care for their children reflects the aspirations of child rearing according to community standards;
5. Ensure that the staff of correctional centres in which children reside have a high level of understanding of the specific needs of mothers caring for their children in the correctional centre context; and
6. Ensure that the needs of women who are the primary carers of children are given recognition in the classification, placement and case management processes (p. 3-4).

To oversee the implementation and operation of the *Mothers' and Children's Program* a Mothers' and Children's Committee was established. The patron of this committee was the Hon. Ann Symonds, former MLC of the NSW Government, and Chair of the Standing Committee responsible for the 1997 *Report into Children of Imprisoned Parents*.⁵³ This 220 page report is thorough and wide ranging; it contains a detailed review of literature related to the impact that maternal incarceration has on children, policies and programs that might mitigate that impact, and 97 recommendations to government to improve the lot of this very vulnerable, but essentially invisible and neglected group of children. How many of these recommendations were subsequently implemented has proved difficult to ascertain. A Government response was issued in March 1998, supporting a number of recommendations. This report is as current and "correct" (based on an updated review of the literature) in its analysis of this complex situation today as it was in 1997 and could still form the basis for any renewed efforts to better address and maintain mother-child attachment during maternal incarceration.

This report stated the self-evident principle that any program related to the disposition of incarcerated mothers and their children should be mindful that

Children should not be punished or unnecessarily disadvantaged for the wrongdoing of their parents. In reality this has been the indirect consequence of policies dealing with parents who commit criminal offences. In the past, children have been overlooked and ignored at all stages of their parent's involvement with the criminal justice and penal systems. In recent times they have been separated from their parents, often forced to move from their familiar environment, and suffer the stigma and loss associated with having a parent in gaol. Many

⁵³ *Report into Children of Imprisoned Parents* (1997). <http://www.beyondbars.org.au/ChildOfImprParents.pdf> accessed 30 July 2012.

children are put into the substitute care system, become wards of the state, and can ultimately end up homeless or involved in the juvenile justice system. Reunification with a parent who is released from gaol is often traumatic and unsuccessful (p. v).

The report further states:

In undertaking these analyses the Committee emphasises that this Inquiry is not about the rights of prisoners. It is not about absolving prisoners who are parents of their offending conduct. Rather, the Report is about the rights of children to be spared unnecessary hardship, trauma and discrimination because of their parent's imprisonment (p.3).

In accord with the recommendations of the *Women's Action Plan*, three facilities were established to support women inmates, including those with children. A Mothers and Children Unit, i.e., Jacaranda Cottages at Emu Plains, was opened in 1996. The Parramatta Transitional Centre was also established at this time to support women including women with children in the transition out of corrections. All three programs, described briefly below, recognized the deleterious effect of imprisonment on families, in particular dependent children, so all three cater for women with children and actively support multi-systemic support for their health and welfare needs and as well as encouraging contact with families, with facilities for children to live with their mothers in these centres. Where this is not possible, liberal visiting hours were allocated to facilitate family contact and continuity in parenting.⁵⁴ (These were curtailed in 2005-06 except for children brought to visit by foster carers, and have not been reinstated.

(iii) The Mothers & Children's Program housed in Jacaranda Cottages forms part of the Emu Plains low security, low risk Correctional Centre for women. Emu Plains became a women's prison in 1996, and had always had all day visits during weekends and public holidays. In 2006, changes were made to visiting hours, the lunch program with visitors and to phone calls to family that Justice Action has argued had a deleterious effect on the women and their families.⁵⁵

(iv) The Parramatta Transitional Centre⁵⁶ was also opened in 1996. It is a pre-release half-way house staffed exclusively by females for female inmates that provides "a minimum security, community-based facility to prepare selected female inmates of NSW correctional centres for their post-release responsibilities in a safe, drug and alcohol free environment" (p. 5).

(v) Guthrie House is a community based residential rehabilitation and transition service for women currently facing criminal charges, women who have recently been released from prison, on parole, bail or court imposed bonds and who are committed to address their substance abuse. Program duration is, on average, three months and can be extended. This service provides residential accommodation for women including those with children; twenty-four hour support and supervision; welfare support services including

⁵⁴ Pollock, Jocelyn M. *Counseling Women in Prison*. Sage Publications, California, 1998.

⁵⁵ Justice Action campaign for re-instatement of conditions at Jacaranda Cottage
http://www.justiceaction.org.au/index.php?option=com_content&task=view&id=115&Itemid=107

⁵⁶ Parramatta Transitional Centre
<http://www.bing.com/search?q=Parramatta+Transitional+Centre&FORM=IE8SRC>

case management; drug and alcohol assessment and counselling; group work and living skills training; information and education sessions; recreational outings; court reports and reports for DOCS case conferences; and assistance with appropriate post-discharge accommodation.⁵⁷

A conference conducted by the Australian Institute of Criminology in 2000⁵⁸ was devoted to issues related to women in corrections, including those who were also mothers. Loy¹¹ summarized the history of policy and practice that supported mothers' continuing ability to parent their children while in custody. An evaluation of these programs in 2002⁵⁹ indicated that of the 64 participants who were the subject of evaluation during the study period, six (a rate of 9.4%) were subsequently returned to custody. Although no causal link can be made between participation in the program and the low recidivism rate, it is worth noting that 62% of women in the NSW Inmate Census 2011 had prior imprisonment. Qualitative analysis of the programs indicated significant issues that needed to be addressed. These included, for incarcerated mothers:

- (i) Better access to employment and vocational education and training
- (ii) More intensive case management to address offending behaviour
- (iii) Provision of parenting and counselling programs
- (iv) Liaise with Probation and Parole Service to develop through care services post-release

and their children:

- (i) Better access to community-based programs for children (preschool, libraries, playgrounds)
- (ii) Greater stimulation and peer interactions for children

In addition, needs of staff in these units were identified:

- (i) Selection and appropriate training, including alternatives to the correctional model for inmate management
- (ii) Development of strategies to retain staff long term
- (iii) Consider secondment of Community Services staff

Evaluation of similar programs in the USA reported positive outcomes. One study investigated a 15-month jail-diversion program for pregnant, nonviolent offenders with a history of substance abuse. The program provided participants with multi-systemic, wrap-around social services as well as the *Circle of Security Perinatal Protocol*⁶⁰ whose aim is to support the development of secure attachment in infants. It comprised a residential-living phase from pregnancy until the infant was six months old and a community-living phase until the infant was 12 months old. Preliminary data on 20 mother-infant pairs who completed the program indicated that infants showed similar levels of attachment

⁵⁷ Guthrie House <http://guthriehouse.com/>

⁵⁸ Australian Institute of Criminology Conference (2000), <http://www.aic.gov.au/en/events/aic%20upcoming%20events/2000/womencorrections.aspx>

⁵⁹ Jacobsson, I. (2002). Evaluation of the mothers and children program. NSW Department of Corrective Services

⁶⁰ Hoffman, K., Marvin, R., Cooper, G. & Powell, B. (2006). Changing toddlers' and preschoolers' attachment classifications: The Circle of Security intervention. *Journal of Consulting and Clinical Psychology*, 74(6), 1017-1026.

security and attachment disorganization typically found in low-risk samples and more favourable than those typically found in high-risk samples. Mothers completing the program demonstrated levels of maternal sensitivity comparable to mothers in a general community comparison sample. In addition mothers completing the program reported decreased depression.⁶¹

The assessment of another prison nursery program was undertaken to assess the long-term child developmental outcomes of prison co-residence. Forty-seven co-residing children were compared with 60 children who had been separated from their mothers upon incarceration. Co-residing children showed rates of clinically significant attention deficit/hyperactivity, anxious/depressed, and withdrawn behaviour comparable to rates found in a normative sample, while separated children showed consistently higher rates than the normative sample. The two groups did not differ on caregiver reports of levels of clinically significant aggression.⁶² While these results are promising, further studies are needed, including randomized controlled trials, in order to confirm the efficacy of such programs.

It is noteworthy that the number of prison nurseries in the United States has risen rapidly in the past decade⁶³ in line with the growing body of research on parenting and infant development, while little if any progress has been made on this issue in the criminal justice system in Australia. Further, a number of models developed for the structure and function of prison nurseries, including the three from NSW outlined above, converge on a set of principles that are based on theories of infant development, the importance of the quality of mother-child attachment, cultural sensitivity, wrap around services for mothers and community integration and support.⁶⁴

PART 4: Aboriginal mothers in custody

In 2010, Indigenous women represented, on average, 30 per cent of the full time adult female prison population across Australia. There were 663 adult female Indigenous prisoners serving custodial sentences.⁶⁵ Although a numerically smaller prison population than Indigenous men, Indigenous women have higher over-representation in custody. They are 16 times more likely to be imprisoned than women from the general adult female population, compared with 14 times for Indigenous

⁶¹ Cassidy, J., Ziv, Y., Stupica, B., Sherman, L. J., Butler, H., Karfgin, A., & Powell, B. (2010). Enhancing attachment security in the infants of women in a jail-diversion program. *Attachment & Human Development*, 12(4), 333-353.

⁶² Goshin, L. S. (2011). Behavior problems and competence in preschoolers who spent their first one to eighteen months in a prison nursery program. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, 72(5-B), 2698.

⁶³ Goshin, L. S., & Byrne, M. W. (2009). Converging streams of opportunity for prison nursery programs in the United States. *Journal of Offender Rehabilitation*, 48(4), 271-295.

⁶⁴ Holland, T. L. (2005). A theoretical model for a prison nursery based on infant mental health principles. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, 66(6-B), 3411.

⁶⁵ In the June 2010 quarter, Australian Bureau of Statistics, *Corrective Services Australia*, cat. no. 4512.0. Canberra: ABS, as quoted in Bartels, L., 2010, 'Diversion programs for Indigenous women', *Research in Practice Report No. 13*, December, Australian Institute of Criminology, Criminology Research Council, pg 2, <http://www.aic.gov.au/publications/current%20series/rip/1-10/13.aspx> accessed 8 July 2012

men.⁶⁶ However, there has been some recent evidence that bias in sentencing may be less responsible for the continuing overrepresentation of Indigenous women in Western Australia's prisons. Sentencing data from Western Australia's higher courts indicated that Indigenous status had no direct effect on the decision to imprison, after adjusting for other sentencing factors, in particular, past and current criminality.⁶⁷ Further, Indigenous women were less likely than non-Indigenous women to be sentenced to a term of imprisonment when appearing before the court for comparable offending behaviour and with similar criminal and personal histories.⁶⁸ Similar findings have been reported for the NSW criminal justice system - indigeneity significantly reduced the length of sentenced prison terms in the lower (but not the higher) court.⁶⁹ Notwithstanding these changing trends, the national rate of incarceration of Indigenous women rose by 10 per cent between 2006 and 2009.⁷⁰ The increase in Indigenous women in custody is related to increases in bail refusals⁷¹, as well as 'zero tolerance' approaches to minor offences, especially public order offences. As Lorana Bartels notes, "Indigenous women are overrepresented at all stages of the criminal justice system ... in some cases, to a greater extent than Indigenous males."⁷²

Significantly, Indigenous women "generally serve shorter sentences than their non-Indigenous counterparts suggesting that Indigenous women are being imprisoned for more minor offences, especially public order offences."⁷³ In addition, Indigenous women are more likely to be on remand than non-Indigenous women.⁷⁴ As Lawrie observed in her 2002 study of Indigenous women in

⁶⁶ Australian Bureau of Statistics, *Corrective Services Australia*, cat. no. 4512.0. Canberra: ABS, as quoted in Bartels, L., 2010, 'Diversion programs for Indigenous women', *Research in Practice Report* No. 13, December, Australian Institute of Criminology, Criminology Research Council, pg 2, <http://www.aic.gov.au/publications/current%20series/rip/1-10/13.aspx> accessed 8 July 2012

⁶⁷ Bond, C. E., & Jeffries, S. (2011). Indigeneity and the judicial decision to imprison: A study of Western Australia's higher courts. *British Journal of Criminology*, 51(2), 256-277.

⁶⁸ Bond, C. E., & Jeffries, S. (2010). Sentencing indigenous and non-indigenous women in Western Australia's higher courts. *Psychiatry, Psychology and Law*, 17(1), 70-78.

⁶⁹ Bond, C. E., Jeffries, S., & Weatherburn, D. (2011). How much time? Indigenous status and the sentenced imprisonment term decision in New South Wales. *Australian and New Zealand Journal of Criminology*, 44(2), 272-290.

⁷⁰ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy Series*, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, Australian Institute of Criminology, pg ix

⁷¹ "The shorter sentences these women serve indicate both that Indigenous women are refused bail more often and that prison is not relied upon as a last resort." Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy Series*, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, Australian Institute of Criminology, p. 1

⁷² Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy Series*, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, Australian Institute of Criminology, pg 4

⁷³ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy Series*, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-8B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, Australian Institute of Criminology, p. 8-9

⁷⁴ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy Series*, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, Australian Institute of Criminology, pg 8-9

custody in NSW, “a significant proportion of Aboriginal women are always remanded to custody, which raises many issues concerning access to bail, accommodation, parenting and health.”⁷⁵

In 2002, Weatherburn, Snowball and Hunter’s analysis of the *National Aboriginal and Torres Strait Islander Social Survey* (NATSISS) found that “22 per cent of Indigenous women aged 15 years and over had been arrested, with 3 per cent having been imprisoned.”⁷⁶ The latest NATSISS survey data collected in 2008 is now available on the ABS website.⁷⁷

In 2002, the *Speak out, Speak strong* report by Rowena Lawrie for the Aboriginal Justice Advisory Council (NSW) (now disbanded⁷⁸) observed:

Aboriginal women in prison are predominantly young, with an average age of 25, they largely have low levels of educational attainment and high levels of unemployment. The study found that most of the women in prison are single mothers with between 2 and 4 children and that they are also responsible for the care of children other than their own biological children, and that many were also responsible for the care of older family members such as parents, uncles or aunts.

Most of the women surveyed had long histories of involvement with the criminal justice system. 60% of the women surveyed had been convicted of a criminal offence while still juveniles and at least 36% of them received their first conviction between 11 and 12 years of age. 98% of the women surveyed had prior convictions as adults.⁷⁹

Almost 92 per cent of the Aboriginal women surveyed by Lawrie were under the influence of drugs (68%), alcohol (14% per cent), or both drugs and alcohol (4%) at the time of their last offence. Lawrie

⁷⁵ Lawrie, R., 2002, ‘Speak out, Speak Strong: Researching the needs of Aboriginal women in custody, Aboriginal Justice Advisory Council, Sydney, pg 32, [http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf/\\$file/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf](http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf/$file/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf) accessed 10 July 2012, as quoted in Bartels, L., 2010, ‘Indigenous women’s offending patterns: a literature review’, *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-8B2C3580A46%7Drpp107.pdf> accessed 8 July 2012

⁷⁶ Weatherburn, D., Snowball, L., and Hunter, B., 2006, ‘The economic and social factors underpinning Indigenous contact with the justice system’: Results from the 2002 NATSISS survey’, *Crime and Justice* Bulletin no. 104, Sydney, Bureau of Crime Statistics and Research, as quoted in Bartels, L., 2010, ‘Indigenous women’s offending patterns: A literature review’, *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, q Australian Institute of Criminology, p. 5

⁷⁷ Australian Bureau of Statistics, National Aboriginal and Torres Strait Islander Social Survey, cat. no. 4714.0 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008?OpenDocument> accessed 9 July 2012

⁷⁸ “The NSW Government recently replaced the Aboriginal Justice Advisory Council with a broader and more thorough consultation process for Aboriginal people. The government will now be consulting with the network of 20 Aboriginal Community Justice Groups on law and justice issues affecting Aboriginal people in NSW. The government thanks the former AJAC members and staff who contributed so much to the development of programs and services for Aboriginal people in New South Wales over the past 16 years.” Aboriginal Justice Advisory Council website <http://www.lawlink.nsw.gov.au/AJAC> accessed 10 July 2012., last updated 11 November 2009.

⁷⁹ Lawrie, R., 2002, *Speak out, speak strong – researching the needs of Aboriginal women in custody*, Sydney [http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf/\\$file/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf](http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf/$file/speak_out_speak_strong_rowena_lawrie_ajac_2003.pdf) accessed 10 July 2012

also noted the strong relationship between experience of previous abuse as children and young adults, alcohol and drug use, and offending behaviour:

Aboriginal women in prison [participating in the study] had long and serious histories of abuse. 70% of the women surveyed said that they had been sexually assaulted as children and most had also suffered other types of childhood abuse. 78% of the women stated that they had been victims of violence as adults and 44% of the said they had been sexually assaulted as adults.

Ninety-eight percent (98%) of the women who were sexually assaulted as children stated that they have a drug problem; most equated their drug problem to their experiences of past violence and their inability to get help with it. One of the most significant and important findings of this study is the clear link between child sexual assault, drug addiction and the patterns of offending behaviour that led the women who participated in this study to be imprisoned.”⁸⁰

Indigenous women are also much more likely to experience poor mental health and mental health disorders; unemployment and homelessness prior to imprisonment and upon release; family and intimate partner violence both as children and adults; and substance abuse.⁸¹

In 2008, 10% of Aboriginal and Torres Strait Islander children aged 4–14 years had a member of their family who had been arrested or in trouble with the police in the last 12 months. Approximately 4% had a parent in prison, and 7% had a family member other than a parent in prison. Also, 3% of children had been in trouble with the police in the last 12 months.⁸²

Changes in the ways Indigenous status is collected in the justice system may affect the number and ratio of Indigenous prisoners – this is due to a combination of increased willingness to identify as Indigenous, and changes in data collection strategies. Having noted this, the incarcerated female population in NSW has remained steady over the last 5 years, at between 196 – 223 inmates (approximately between 27-29 cent)⁸³.

Work undertaken by the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission in 2002 and 2004⁸⁴ has highlighted the need

⁸⁰ Lawrie, R., 2002, *Speak out, speak strong – researching the needs of Aboriginal women in custody*, Sydney [http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajax_2003.pdf/\\$file/speak_out_speak_strong_rowena_lawrie_ajax_2003.pdf](http://www.lawlink.nsw.gov.au/lawlink/cpd/ll_cpd.nsf/vwFiles/speak_out_speak_strong_rowena_lawrie_ajax_2003.pdf/$file/speak_out_speak_strong_rowena_lawrie_ajax_2003.pdf) accessed 10 July 2012, p. 5

⁸¹ Grace J., Krom I., Maling C., Butler T., Midford R., 2011, *Review of Indigenous Offender Health*, from http://www.healthinonet.ecu.edu.au/offender_health_review accessed 12 July 2012.

⁸² Australian Bureau of Statistics, *Law and Justice – Contact with the Law and Justice System*, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4725.0Chapter940Apr%202011> accessed 10 July 2012, part of the comprehensive release, *Aboriginal and Torres Strait Islander Wellbeing: a focus on children and youth*, cat. no. 4725.0. <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4725.0main+features1Apr%202011> accessed 10 July 2012.

⁸³ Figures taken from Corrective Services NSW, 2011, *Female offenders – A statistical profile*. http://143.119.253.176/data/assets/pdf_file/0020/362225/female-offenders-a-statistical-profile-feb-2012.pdf accessed 10 July 2012.

⁸⁴ ATSI Social Justice Commissioner, 2004. *Walking with the women – Addressing the needs of Indigenous women exiting prison. Social Justice Report 2004*, Australian Human Rights Commission,

for research into the ways in which the criminal justice process can assist Indigenous women. Although some promising initiatives have been trialled across Australia, few are evaluated, and fewer are adequately or consistently funded for any significant period of time.

Of course, the lack of formal evaluations or reliable funding structures is not unique to Indigenous criminal justice programs. The Aboriginal and Torres Strait Islander social welfare sector experiences inconsistent funding, including lack of funds and section training for internal or external evaluation of programs. In many cases, promising programs remain unevaluated, relying on qualitative data through interviews with participants and informal observations of individual successes.⁸⁵

Although academic and public sector research has repeatedly noted the over-representation of Aboriginal women in the criminal justice system, historically, few reports deal with Aboriginal women in custody, or the impacts of their incarceration on these women and their children. Nevertheless, available academic and policy commentary points to serious, detrimental effects of custodial sentences for Indigenous women. As Lorana Bartels, in research for the Australian Institute of Criminology (AIC) notes, “the consequences to the community of the removal of Indigenous women are significant and potentially expose children to risk of neglect, abuse, hunger and homelessness.”⁸⁶

In cases where Indigenous women are the focus of research, it is often *either* their gender or their ethnicity that attracts this interest. As the AIC noted in 2010, “very little has been written – and indeed done – on diversion in relation to Indigenous status and women; most of the literature focuses on one aspect or the other.”⁸⁷

The lack of detailed information about women’s offending is not a recent problem. The final report of the Royal Commission into Aboriginal Deaths in Custody (RCIADOC 1992) remains the most comprehensive examination of

http://www.hreoc.gov.au/social_justice/sj_report/sjreport04/2WalkingWithTheWomen.html accessed 12 July 2012, and ATSI Social Justice Commissioner, 2002. Indigenous women and corrections. *Social Justice Report* 2002, Australian Human Rights Commission

, http://www.hreoc.gov.au/social_justice/sj_report/sjreport02/chapter5.html accessed 12 July 2012.

⁸⁵ For a crude example, of the national and NSW based health and wellbeing programs listed on the Australian Indigenous Health *Infonet*, 16.8 per cent of the national programs had been evaluated (20 of 119 programs); and of the NSW programs (which is not an exhaustive list), 13.9 per cent (19 of 137 programs) were evaluated. <http://www.healthinonet.ecu.edu.au/states-territories-home/nsw/programs-projects> accessed 1 July 2012.

⁸⁶ Bartels, L., 2010, ‘Indigenous women’s offending patterns: a literature review’, *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, q Australian Institute of Criminology, pg 1

⁸⁷ Bartels, L., 2010, ‘Diversion programs for Indigenous women’, *Research in Practice Report* No. 13, December, Australian Institute of Criminology, Criminology Research Council, pg 2, <http://www.aic.gov.au/publications/current%20series/rip/1-10/13.aspx> accessed 8 July 2012, emphasis added. See also, “Of the 996 prisoners who participated in the 2009 NSW inmate health survey, approximately 26% identified as Indigenous men. (The breakdown of the female prisoners by Indigenous status was not undertaken)” in Grace J., Krom I., Maling C., Butler T., Midford R., 2011, *Review of Indigenous offender health*, from http://www.healthinonet.ecu.edu.au/offender_health_review accessed 12 July 2012.

Indigenous people's involvement in the criminal justice system but makes no specific recommendations about Indigenous women.⁸⁸

Where information is available, the AIC reports that it focuses on women "as victims, not as offenders [and is largely] qualitative and/or anecdotal in nature."⁸⁹ Over the last twenty years, however, some research has been conducted on Indigenous contact with the criminal justice system in Australia. These reports often refer to the need for research into the effects of incarceration of Indigenous women on their children, and in some cases note anecdotal or qualitative reports of these effects.

Possibly the most significant Australian report that deals with Aboriginal women in custody and their children is *Aboriginal Women with Dependent Children Leaving Prison Project - Needs Analysis Report*.⁹⁰ An extract from the executive summary provides an overview of their findings and recommendations:

Service Delivery: Agency analysis and mapping

Fifty-five agencies were contacted and 27 responded. Agencies were assigned to one of five categories based upon the information they provided.

1. High-level support
2. Medium-level support
3. Occasional support
4. Other
5. Support for children and young people

Women's needs

Seventeen Aboriginal women in prison were interviewed about their experiences pre and post prison for this project. Seven themes relating to their areas of highest concern and need emerged from their interviews: (i) their dependent children; (ii) housing; (iii) family, (iv) friends and associates; (v) alcohol and other drugs; (vi) their culture; and (vii) trauma. They recognised their need for strong integrated services addressing all these areas pre and post-release to assist them to escape from the criminal justice net. Community correctional officers, Aboriginal correctional workers and Aboriginal legal service officers were interviewed. Their perceptions tallied with the women's views and although expressed differently, covered the same major areas. All participants were unanimous in pinpointing the lack of appropriate integrated service support.

Needs of Dependent Children

⁸⁸ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, q Australian Institute of Criminology, pg 1

⁸⁹ Bartels, L., 2010, 'Indigenous women's offending patterns: a literature review', *Research and Public Policy* Series, No. 107, <http://www.aic.gov.au/documents/F/4/0/%7BF400B08D-7ECB-43EE-BB6E-38B2C3580A46%7Drpp107.pdf> accessed 8 July 2012, q Australian Institute of Criminology, pg 1

⁹⁰ Baldry, E., Ruddock, J., Taylor, J., 2008, *Aboriginal Women with Dependent Children Leaving Prison Project – Needs Analysis report*, January. http://www.homelessnessnsw.org.au/uploads/50463/ufiles/Aboriginal_women_with_dependent_children_leaving_prison_project_needs_analysis_report.pdf accessed 12 July 2012

To date there is no research available on the specific ongoing complex needs of dependent Aboriginal children whose mothers are in or exiting prison. Nevertheless, all stakeholders agreed that dependent children of Aboriginal women in prison have their own set of needs, and culturally appropriate services that recognize and address their often disrupted development, schooling and parenting are urgently required.

Service capacity...in Western Sydney has a strong base upon which to build case managed supported accommodation and a number of Aboriginal specific services such as health, education, legal and personal support...There are serious gaps such as in Aboriginal and women specific employment, AOD and mental health services. The lack of Aboriginal children's services that could accommodate these particular children is of serious concern.

This extract from the report discusses the capacity for social welfare services to provide an integrated service model because of the multiple needs of post release Aboriginal women and their children. Of primary importance is support for and assistance to Aboriginal women to access accommodation post release. These women are often suffering the myriad psychological and substance abuse issues that also affect their capacity to find and retain accommodation. Lack of stable accommodation in turn results in loss of or failure to regain custody of their children.

Future Planning and Opportunities - The Service Model

The most effective model is to identify a lead agency – the housing manager and case management service for the client group – working in collaboration with 4-5 other key agencies and linking with specific services as appropriate. This would provide a wrap-around supporting service. Housing that accommodates women who are in the process of regaining custody of their children, as well as those living with their children, is necessary. Specific Western Sydney services are recommended for this task, as are key roles and responsibilities. Specific MOUs are recommended.

Potential barriers such as poor communication and lack of service capacity and skills are addressed and recommendations made.

A lead agency has not yet been identified. As a report to government, the academics have suggested a generic model or service delivery that government can implement in a variety of ways.

The most significant, recent national report relevant to the issues of Indigenous women in custody is the 2005 Australian Attorney General's Department commissioned report, *National Evaluation of Prisoners and their Families Program* which noted, that:

*...while there has been some important research in Australia (e.g. Tudball, 2000) and in the United Kingdom (e.g. Murray, 2002) and, of course, the decision by the Australian Government to support the piloting and evaluation of the *Prisoners and Their Families Program* by *Good Beginnings*. However, at this stage an analysis of the literature would suggest that the needs of children and the parenting roles of prisoners have not been significant considerations within the correctional services system.⁹¹*

⁹¹ King, D., 2005, *Evaluation of the Prisoners and their families Program*, Attorney-General's Department, Canberra,

Other national reports and statistical collections that contribute to an understanding of Indigenous women in custody and their children, including research on Indigenous and non-Indigenous children in and out of home care, socio-economic disadvantage in Indigenous communities and the impact on incarceration rates, include:

1. *Royal Commission into Aboriginal Deaths in Custody (RCIADIC) Report in 1992*⁹²;
2. *Bringing Them Home Report - Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997*⁹³ which included recommendations relating to Indigenous prisoners, including:
Mental health worker training

Recommendation 35: That all State and Territory Governments institute Indigenous mental health worker training through Indigenous-run programs to ensure cultural and social appropriateness.

Parenting skills

Recommendation 3: That the Council of Australian Governments ensure the provision of adequate funding to relevant Indigenous organisations in each region to establish parenting and family well-being programs.

Prisoner services

Recommendation 37: That the Council of Australian Governments ensure the provision of adequate funding to Indigenous health and medical services and family well-being programs to establish preventive mental health programs in all prisons and detention centres and to advise prison health services. That State and Territory corrections departments facilitate the delivery of these programs and advice in all prisons and detention centres.⁹⁴

http://www.crimeprevention.gov.au/NationalCrimePreventionProgramme/Documents/Prisoners_and_their_Families_Program.pdf accessed 10 July 2012

⁹² *Royal Commission into Aboriginal Deaths in Custody reports, 1992*, hosted at Austlii,

<http://www.austlii.edu.au/au/other/IndigLRes/rciadic/> accessed 10 July 2012, last updated 29 April 1998.

⁹³ Aboriginal and Torres Strait Islander Social Justice Commissioner, 1997, *Bringing them home - Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, April, Human Rights and Equal Opportunity Commission,

http://www.hreoc.gov.au/social_justice/bth_report/index.html, accessed 10 July 2012

⁹⁴ Aboriginal and Torres Strait Islander Social Justice Commissioner, 1997, *Bringing them home - Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, April, http://www.hreoc.gov.au/social_justice/bth_report/report/appendices_9.html, accessed 10 July 2012

3. Chapter 2: *Walking with the Women* – Addressing the needs of Indigenous women exiting prison, *Aboriginal and Torres Strait Islander Social Justice Report 2004*, (HREOC), currently Australian Human Rights Commission (AHRC).⁹⁵
4. *National Evaluation of the Prisoners and their Families Program*, Australian Attorney General's Department, 2004.
5. Chapter 5: 'Indigenous women and corrections - A Landscape of Risk', *Aboriginal and Torres Strait Islander Social Justice Report 2005*, HREOC⁹⁶.
6. *Overcoming Indigenous Disadvantage*. Periodic Reporting conducted by the Productivity Commission⁹⁷.
7. The Department of Families, Housing, Community Services and Indigenous Affairs' (FaHCSIA), *Framework for Protecting Australia's Children*, 2009.⁹⁸
8. *Report on Government Services 2011, Indigenous Compendium*, Productivity Commission, 'Justice' section⁹⁹.
9. Select Committee in Regional and Remote Indigenous Communities 2010, *Indigenous Australians, Incarceration and the Criminal Justice System*, March,¹⁰⁰
10. Australian Bureau of Statistics collections:
 - *Corrective Services Australia*, cat. no. 4512.0.
 - *Aboriginal and Torres Strait Islander Wellbeing: A Focus on Children and Youth*, cat. no. 4725.0.¹⁰¹
 - *National Aboriginal and Torres Strait Islander Social Survey (NATSISS)*, 2002 and 2008¹⁰² 'Law and Justice' data

⁹⁵ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004*, Chapter 2 'Walking with the women - Addressing the needs of Indigenous women exiting prison', Human Rights and Equal Opportunity Commission, Sydney, http://www.hreoc.gov.au/social_justice/sj_report/sjreport04/2WalkingWithTheWomen.html, accessed 10 July 2012

⁹⁶ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2005*, Chapter 5 'Indigenous women and corrections - A Landscape of Risk', http://www.hreoc.gov.au/social_justice/sj_report/sjreport02/chapter5.html, accessed 10 July 2012

⁹⁷ Productivity Commission website, <http://www.pc.gov.au/gsp/indigenous> accessed 10 July 2012.

⁹⁸ Australian Government, *Protecting Australia's Children – Overview*, <http://www.fahcsia.gov.au/our-responsibilities/families-and-children/programs-services/protecting-australias-children#plan> accessed 9 July 2012; and the Report of the *Implementation of the three year action plan* http://www.fahcsia.gov.au/sites/default/files/documents/nation_framework_protecting_children.pdf accessed 9 July 2012

⁹⁹ SCRGSP (Steering Committee for the Review of Government Service Provision) 2011, *Report on Government Services 2011, Indigenous Compendium*, Productivity Commission, Canberra, <http://www.pc.gov.au/gsp/rogs/compendium2011> accessed 10 July 2012

¹⁰⁰ Select Committee in Regional and Remote Indigenous Communities 2010, *Indigenous Australians, Incarceration and the Criminal Justice System*, March, homepage http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=indig_ctte/index.htm accessed 10 July 2012

¹⁰¹ *Aboriginal and Torres Strait Islander Wellbeing: a focus on children and youth*, cat. no. 4725.0. <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4725.0main+features1Apr%202011> accessed 10 July 2012.

¹⁰² Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Social Survey 2008*, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008?OpenDocument> accessed 10 July 2012.

FUTURE DIRECTIONS

1. Mitigating the effects of incarceration on Indigenous women and their children

- (i) The offer and uptake of periodic detention by incarcerated Indigenous women with children should be explored, with a view to lowering rates of full-time detention in order to prevent ruptures to attachment bonds with children as well as disruption to community ties¹⁰³. Periodic detention is being progressively phased out in NSW, however consideration could be given to innovative forms of this option utilising community day programs or equivalents that providesupport.
- (ii) Continuing the parenting program, Mothering At a Distance, provided for incarcerated Indigenous women with children highlighting the importance of secure attachment in early life, and how this can be achieved, as a way of preventing lifelong problems that arise as a result of insecure attachment. CSNSW received five-year funding under the Government's response to the Keep Them Safe report into child protection in NSW. This funding is due to expire in 2014. A full-time facilitator has been employed and runs the parenting programs for Aboriginal women; CSNSW staff are trained by the facilitator to co-facilitate the groups. There is a similar provision for Aboriginal fathers in custody.
- (iii) The majority of children born to incarcerated mothers are separated from their mothers immediately after birth and placed with relatives or into foster care¹⁰⁴. This policy can be catastrophic for these infants, and other options need to be provided. Two such options are the provision of prison nurseries and community-based residential parenting programs. These are achievable alternatives for women who have committed low-level non-violent offences and have been given relatively short custodial sentences. It is tempting to say that if the sentence is short, the impact on children will be minimal. This is certainly not the case. Separations of infants and young children from their mothers for relatively short periods of time can have repercussions that reverberate across the lifespan. Further, when adequate resources are provided to fund prison nursery programs, women participants show lower rates of recidivism⁴⁴. There is overwhelming evidence that prevention of foster care placement allows for the formation of maternal/child bonds during a critical period of infant development¹⁰⁵. CSNSW Mothers and Children's Program at Jacaranda Cottages and Parramatta Transitional Centre accept pregnant women and new-borns. Justice Health have a Roaming Midwife who monitors the perinatal health of women in custody. A Community Nurse attends weekly when there are babies in residence and or fortnightly to monitor toddlers. Access to these residential programs is restricted to minimum-security women. An equivalent program is also needed for woman on remand and for higher security women. CSNSW Mothers and Children's Policy recognises that offending and/or imprisonment are not to be construed as evidence of a mother's lack of desire, or ability, to perform her parental duties. No adverse effects to infants involved in prison nursery programs have been identified. Very little evaluation research on the efficacy of these programs is available, although the trends are uniformly positive on a range of outcome measures.

¹⁰³ Human Rights Audit on the Operation of ACT Correctional Facilities under Corrections Legislation, <http://www.hrc.act.gov.au/res/Corrections%20Audit%202007.pdf>

¹⁰⁴ Institute on Women and Criminal Justice (2009). *Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*. <http://www.wpaonline.org/pdf/Mothers%20Infants%20and%20Imprisonment%202009.pdf>.

¹⁰⁵ Robertson, I. (2007). *The Impact of Parental Imprisonment on Children*, <http://www.guno.org/geneva/pdf/humanrights/women-in-prison/ImpactParentalImprisonment-200704-English.pdf>

(iv) Child friendly visiting areas in prisons be made available so that mothers and children can have quality contact with their children during the period of incarceration.

2. Supporting Indigenous women to achieve their goals by focusing on their complex needs

Regardless of whether women have served custodial sentences, or have been diverted into community programs, contact with the criminal justice system is an opportunity to provide them with concentrated, multifaceted services that are designed to prevent or at least significantly delay re-entry into the criminal justice system.¹⁰⁶ Research has shown that the key factors that affect the life chances of women post-release, as well as having also been identified by *Indigenous women themselves as key indicators for reoffending* upon re-entry into the community include:

- Poor mental health;
- Homelessness and accommodation instability upon release;
- Unemployment;
- Family violence – both past and present abuse;
- Lack of contact with their children while in prison;
- Lack of legal knowledge and understanding of systems that impact on
 - o Custody of their children;
 - o Their eligibility for Centrelink and other federal and/or state government benefits or schemes;
- Risky or high risk alcohol and drug use;
- Current associates – often women feel they must return to violent partners or partners with serious substance abuse and/or mental health concerns in order to prove they have access to stable accommodation to regain custody of their children. In cases where their current partner is abusive or unsuitable in other ways, women are reticent to leave, as this accommodation instability may result in loss of child custody, as well as the real possibility of homelessness for her and her children.

Transitional services, including secure accommodation and job training are crucial. The training for release into transitional housing begins while in gaol. The transitional house provides access to the counsellor the women worked with in prison, extends the job training into post custody life. Guthrie House is a community based residential rehabilitation and transition service in inner western Sydney for women including those with children currently facing criminal charges, women who have recently been released from prison, on parole, bail or court imposed bonds and who are committed to address their substance abuse. More centres such as this are needed in non-metro locations to enable women who are returning to regional communities to participate.

See also Sisters Inside – Diversion programs

Jane says that Sisters Inside and the Special Circumstances Court Program have turned her life around and now she sees the moon and the stars! ... She has stopped the drugs, stopped smoking, has her daughter with her on weekends, attends counselling regularly, lives in a share house and is getting dental care. Jane is quite sure she would otherwise be dead or in

¹⁰⁶ See for instance, <http://www.fahcsia.gov.au/indigenous-australians/news/2012/linking-indigenous-australians-to-community-support-services> accessed 10 July 2012.

prison, and believes if you are in prison you may as well be dead. (Jane – a woman with a long term history of poly-substance abuse, homelessness and imprisonment).¹⁰⁷

and

Baldry, E., 2009, *Home Safely: Aboriginal Women Post Prison and Their Children*¹⁰⁸

Aboriginal women represent approximately 30% of the NSW women's prison population in comparison to their rate of approximately 2.1% of the general NSW female population. In NSW, they live overwhelmingly in urban areas, have higher rates of return to prison, higher numbers of dependent children, higher rates of mental health disorders, experience higher rates of domestic and sexual violence and higher rates of homelessness than their non-Aboriginal counterparts. They also return to highly disadvantaged communities and suburbs with little in the way of housing support, protection from violence, employment opportunities or appropriate health care. These women experience the intergenerational and direct effects of decades of exclusionary policies such as child-removal, removal from land and inferior access to good education, housing and health services. They have been disproportionately over-represented amongst those in state care, in juvenile detention, in psychiatric institutions and in prisons.

Appropriate, stable and supported post-release housing is crucial to reducing recidivism and assisting transition into the community. But Aboriginal women in NSW have significantly higher levels of post-release homelessness compared with their non-Indigenous peers, which is a predictor of return to prison. It would appear from the very poor outcomes for Aboriginal women leaving prison that they have specific and special housing and other social and personal needs that are not currently being met.¹⁰⁹ Yet there is very little published evidence of successful approaches for Indigenous women post-release.

3. Commitments to adequate funding and evaluation of post release programs

Any program strategy adopted by the NSW Government in order to improve outcomes for Indigenous women and their children needs to be fully costed and funded for the recommended length of time. The project design needs to build in strategies of evaluation throughout design, delivery, follow up and evaluation phases.

CONCLUSION

Attachment quality during infancy is a fundamental determinant of healthy development across the lifespan. Infants and children who suffer traumatic separation from their mothers by virtue of their mothers' incarceration are at particular risk of adverse mental health and social outcomes because

¹⁰⁷ Sisters Inside, SIS How We Do It – Special circumstances court diversion program, 2011, http://www.sistersinside.com.au/media/A_How%20we%20do%20it%20SIS%20SCC%20Program%20Report.pdf

¹⁰⁸ Baldry, E., 2009, 'Home Safely: Aboriginal women Post prison and their children', *Indigenous Law Bulletin*, 7(15), <http://www.austlii.edu.au/au/journals/ILB/2009/44.html> accessed 12 July 2012.

¹⁰⁹ Baldry, E., 2009. Home Safely: Aboriginal Women Post prison and their Children, *Indigenous Law Bulletin*, 7(15), <http://www.austlii.edu.au/au/journals/ILB/2009/44.html> accessed 12 July 2012.

their mothers are also psychologically vulnerable, likely to have insecure attachments themselves and to lack parenting competence.

Incarceration of women with children provides an ideal opportunity for the criminal justice system to address both the personal and parenting issues of these mothers and to implement *in situ* parenting policies and programs that support positive parenting skills and continuous contact of children with their mothers during their incarceration.¹¹⁰ Such programs have the long term capacity to reduce re-offending in these women, improve their parenting, thereby assisting the diversion of their children from following in their footsteps to prison.

¹¹⁰ Cassidy, J., Poehlmann, J., & Shaver, P. R. (2010). An attachment perspective on incarcerated parents and their children. *Attachment & Human Development*, 12(4), 285-288.

APPENDIX 1

The *Circle of Security (COS)* program¹¹¹

- **Target Population:** High risk populations such as having a child enrolled in Early Head Start or Head Start programs, incarcerated women, or having an irritable baby.

The **COS** protocol is an early intervention program designed to prevent insecure attachment and child mental disorders. It uses a user-friendly, visually based approach (utilizing extensive use of both graphics and video clips) to help parents better understand the needs of their children. It is based extensively upon attachment theory and current affective neuroscience.

All of the learning is informed around the following themes:

- Teaching the basics of attachment theory via the *Circle of Security™*
- Increasing parent skills in observing parent/child interactions
- Increasing capacity of the caregiver to recognize and sensitively respond to children's needs
- Supporting a process of reflective dialogue between clinician and parent to explore both strengths and areas of parent difficulties (i.e., being "Bigger, Stronger, Wiser, and Kind," supporting exploration, and supporting attachment)
- Introducing parent to a user-friendly way to explore defensive process.

The **COS** protocol has the following goals:

- Teach caregivers the fundamentals of attachment theory (i.e., children's use of the caregiver as a secure base from which to explore and a safe haven in times of distress) by introducing a user-friendly graphic to the caregivers that they can refer to throughout the program.
- Focus intervention on both parenting behaviors and internal working models.
- Present caregivers with a simple structure for considering the ways in which their internal working models influence their cognitive, affective, and behavioral responses to their children. The goal is to provide language that gives caregivers awareness and understanding of the non-conscious, problematic responses they sometimes have to their children's needs.
- Teach caregivers the skills to understand their children's behavior, and the skills to understand and regulate their own cognitive, affective, and behavioral responses to their children.

¹¹¹ Summary of program rationale and goals taken from COS website:

<http://www.cebc4cw.org/program/circle-of-security/detailed>

APPENDIX 2: SELECTED BIBLIOGRAPHY

1. Background: women in prison, effects on families in general

Title: Locking up lives: women in prison

Author(s): Topp, Libby

Source: Of substance; Vol. 9, Issue: 1; Mar 2011: 10-13

Subject(s): Female offenders; Female prisoners; Aboriginal female prisoners; Prisoner characteristics; Effects of imprisonment; Drug / crime relationships; Drug dependent offenders; Social exclusion

Subject (Geographic Name): Australia

Abstract: This article explores the causes and effects of imprisonment of women in Australia. Women prisoners make up only seven per cent of Australia's incarcerated population and consequently corrections programs and services are more responsive to men's needs. Factors leading to women's offending and imprisonment include experience of childhood violence and abuse, drug dependence, homelessness and poverty. Indigenous women are the fastest-growing prison population, often as a result of systemic factors such as over-policing and under-utilisation of diversionary options. Post-release women face many issues which prevent their reintegration, including isolation, drug dependence, child custody and poverty. In order to reduce recidivism rates a holistic approach to providing pre- and post-release support is required. **ISSN:** 1449-0021.

Identifier: http://www.ofsubstance.org.au/images/archive/pdf/ofsubstance_2011_1.pdf

Title: Beyond prison: women, incarceration and justice? Introduction.

Author(s): MASON, Gail; Stubbs, Julie

Source: CURRENT ISSUES IN CRIMINAL JUSTICE; 22 (2) November 2010: 189-192

Journal Title: Current Issues in Criminal Justice

Subject(s): PRISONERS; PRISONS; WOMEN

Jurisdiction: AUSTRALIA

Abstract: Increase in number of female prisoners - women's incarceration - need for gender-specific policies and programs - support for children - need to better understand trends. **ISSN:** 1034-5329

Text: <http://search.informit.com.au.ezproxy2.library.usyd.edu.au/fullText;res=AGISPT;dn=20111312>

Title: Women, drug use and crime: findings from the Drug Use Monitoring in Australia program / Wendy Loxley and Kerryn Adams

Author(s): Loxley, Wendy; Adams, Kerryn; Australian Institute of Criminology

Document Type: Monograph

Imprint: Canberra: Australian Institute of Criminology, 2009.

Series: Research and public policy series; no. 99

Subject(s): Drug use surveys; Female offenders; Female prisoners; Aboriginal women; Drug dependent offenders; Drug related crimes; Drug / crime relationships; Male / female offender comparisons; Aboriginal / non Aboriginal comparisons; Socioeconomic status; Drug treatment programs

Name as Subject: Drug Use Monitoring in Australia (DUMA)

Subject (Geographic Name): Australia

Abstract: There has been little in-depth research conducted to date in Australia that examines the unique characteristics of women offenders. Drawing on information from the about male and female police detainees across Australia produced by the Australian Institute of Criminology's Drug Use Monitoring in Australia (DUMA) program has enabled an analysis of how women differ from men in terms of alcohol and other drug use and offending and of how different categories of women - women in the general community, Indigenous women, those in contact with police, women in prison - compare in relation to their self-reported involvement in crime and their use of and dependency on alcohol and other drugs. Using data from the DUMA program and Drug Use Careers of Offenders (DUCO) study, this study investigates the relationship between drug use and crime, illuminating gender differences among three different samples: police detainees (DUMA), prisoners (DUCO) and the Australian population (through the National Drug Strategy Household Survey and census data). It compares female and male police detainees, and as well as female police detainees with female prisoners. Differences in drug use and offending patterns by Indigenous and non-Indigenous female

police detainees are also examined. The results indicated that female detainees were more likely than male ones to attribute their crime to illicit drug use in general, and it seems that the association between drug use and criminal activity is stronger in women than in men. The report underlines how important it is to develop drug-demand and harm-reduction interventions for women through the criminal justice system, with the study revealing that most have poor socioeconomic status, many have dependent children and many have complex and multiple needs related to problematic drug use and mental-health issues, and quite specific strategies and prevention initiatives need to be developed for Indigenous women who have contact with the criminal justice system.

ISBN: 9781921532122

ISSN: 1836-2060

Uniform Resource Identifier: <http://www.aic.gov.au/publications/rpp/99/>

Title: Women in prison / Anti-Discrimination Commission Queensland

Author(s): Queensland. Anti-Discrimination Commission

Pagination: iii, 155 p

Document Type: Monograph

Imprint: Brisbane: Anti-Discrimination Commission Queensland, 2006.

Date of Publication: 2006

Publication Year: 2006

Physical Description: iii, 155 p ; bibl, map, table ; 30 cm

Subject(s): Female prisoners; Aboriginal female prisoners; Women's correctional institutions; Corrections management; Prison management; Prison reform; Prisoner characteristics; Children of prisoners; Sex discrimination; Racial discrimination; Prisoner mental health services; Male / female offender comparisons; Correctional reform; Human rights; Government inquiries

Subject (Geographic Name): Queensland

Abstract: In Queensland, female prisoners are a small proportion of the prison population. Because there has always been a small number of female prisoners in the correctional system, the theory and philosophy of corrections, the models of prisons and the practice of prison and prisoner management have been developed to contain a predominantly male population. In August 2004, the Anti-Discrimination Commission Queensland (ADCQ) began a broad review of the treatment of women prisoners in Queensland. While some recent changes by the Department of Corrective Services have benefited women prisoners, this report has identified that the legislation, as well as many other policies and practices, need to take account of the specific circumstances of women prisoners. Women prisoners are victims as well as offenders. With very few being serious violent offenders, they pose little risk to public safety. Many are single parents with dependent children. More than half have been diagnosed with a specific mental illness. Significant numbers have been drug users, and more than 40% have been victims of non-consensual sexual activity, often as young girls. The report has also identified particular practices that may discriminate against some women prisoners. The report makes 68 recommendations. The main issues include: there are legitimate concerns that classification instruments and procedures may result in over-classification of women prisoners; children's needs are inadequately addressed; mental health issues are often ignored; and Indigenous women are especially at risk of discrimination in prison. Many of this report's recommendations require changes to legislation, policy and practice, as well as proper resources so they can be implemented by the DCS for practical effect and positive outcomes.

Call Number: 365.4309943 f WOM

Uniform Resource Identifier: http://www.adcq.qld.gov.au/pubs/WIP_report.pdf

Title: Safeguarding and the sentencing courts.

Author(s): PIPER, Christine

Source: FAMILY LAW; (37) April 2007: 336-339

Journal Title: Family Law

Issue: 37

Pagination: 336-339

Document Type: Journal Article

Date of Publication: April 2007

Publication Year: 2007

Subject(s): CHILDREN; SENTENCING; YOUNG OFFENDERS

Jurisdiction: UNITED KINGDOM

Abstract: Decisions made about young offenders with regard to welfare of minors - must operate alongside the principal aim of the youth justice system to prevent offending - sentencing levels have been raised so that some parents are likely to receive custodial sentences - reality of prison for young mothers might influence sentencers to impose community sentencing.

ISSN: 0014-7281

Incarceration in Fragile Families

Christopher Wildeman and Bruce Western

The Future of Children, Vol. 20, No. 2, Fragile Families (FALL 2010), pp. 157-177

Published by: [Princeton University](http://www.princeton.edu)

Article Stable URL: <http://www.jstor.org/stable/20773699>

Since the mid-1970s the U.S. imprisonment rate has increased roughly fivefold. As Christopher Wildeman and Bruce Western explain, the effects of this sea change in the imprisonment rate—commonly called mass imprisonment or the prison boom—have been concentrated among those most likely to form fragile families: poor and minority men with little schooling. Imprisonment diminishes the earnings of adult men, compromises their health, reduces familial resources, and contributes to family breakup. It also adds to the deficits of poor children, thus ensuring that the effects of imprisonment on inequality are transferred intergenerationally. Perversely, incarceration has its most corrosive effects on families whose fathers were involved in neither domestic violence nor violent crime before being imprisoned. Because having a parent go to prison is now so common for poor, minority children and so negatively affects them, the authors argue that mass imprisonment may increase future racial and class inequality—and may even lead to more crime in the long term, thereby undoing any benefits of the prison boom. U.S. crime policy has thus, in the name of public safety, produced more vulnerable families and reduced the life chances of their children. Wildeman and Western advocate several policy reforms, such as limiting prison time for drug offenders and for parolees who violate the technical conditions of their parole, reconsidering sentence enhancements for repeat offenders, and expanding supports for prisoners and ex-prisoners. But Wildeman and Western argue that criminal justice reform alone will not solve the problems of school failure, joblessness, untreated addiction, and mental illness that pave the way to prison. In fact, focusing solely on criminal justice reforms would repeat the mistakes the nation made during the prison boom: trying to solve deep social problems with criminal justice policies. Addressing those broad problems, they say, requires a greater social commitment to education, public health, and the employment opportunities of low-skilled men and women. The primary sources of order and stability—public safety in its wide sense—are the informal social controls of family and work. Thus, broad social policies hold the promise not only of improving the well-being of fragile families, but also, by strengthening families and providing jobs, of contributing to public safety.

Title: Flat Out Inc.: a brief herstory / Mary Cotter

Author(s): Cotter, Mary; Flat Out

Document Type: Monograph

Imprint: Flemington, Vic: Flat Out, 2008.

Subject(s): Female ex offenders; Adjustment to release; Post release programs; Released prisoners; Social support; Post release housing; History of corrections

Name as Subject: Flat Out (Vic)

Subject (Geographic Name): Victoria

Abstract: Flat Out is a Victorian state-wide service that provides housing and support for women leaving prison and their children, and for women at risk of imprisonment. It assists in developing women's skills to enable them to re-establish an independent life in the community, to regain self-esteem and to attain some degree of financial security to break the cycle of poverty, crime and imprisonment. This history of women's imprisonment in Victoria and the Flat Out organisation has been sourced primarily from interviews with past and present workers and collective members together with a handful of women who have been recipients of Flat Out's services.

ISBN: 9780646504087

Call Number: 365.4309945 COT

Title: Self help guide for women prisoners in prison in NSW / Women in Prison Advocacy Network

Author(s): Women In Prison Advocacy Network

Imprint: Sydney: Women In Prison Advocacy Network (WIPAN), 2011.

Subject(s): Female prisoners; Children of prisoners; Prisoners rights; Access to legal information; Prisoner health care; Housing; Victim compensation
Subject (Geographic Name): New South Wales

Abstract: Committed to enhancing the wellbeing of women within the Australian prison system in order to support female prisoners to live free of discrimination and return successfully to the community, the WIPAN is a grassroots organisation that offers services, information and legal and agency contacts for women in the prison system. The Self Help Guide presents tools and step-by-step instructions to women prisoners for managing aspects of their health and welfare whilst in custody. The guide provides information on maintaining housing and property; contact privileges with children through NSW Community Services; health and dental care rights and services; the management of financial responsibilities and fines; compensation claims; correct complaint procedures; and lists important contacts and services. The step-by-step guide includes sample letters for accessing resources and instructions for resolving problems that may arise while in prison.

Notes: Self-help guide for women prisoners in prison in NSW

ISBN: 9780980672244

Identifier: http://www.wipan.net.au/publications/WIPAN%20Self%20Help%20Guide_2nd%20Ed_Sep2011.pdf

1a. Background: women in prison: indigenous women

Title: Strengthening law and justice for Aboriginal and Torres Strait Islander victims of violence

Author(s): Katona, Jacqui

Source: DVRCV quarterly; Issue: 1; Autumn 2011: 7-12

Subject(s): Aboriginal family violence; Aboriginal communities; Aboriginal legal services; Family support; Child protection services; Domestic violence services; Domestic violence prevention; Aboriginal culture; Aboriginal justice

Name as Subject: Family Violence Prevention and Legal Service Victoria (FVPLS)

Subject (Geographic Name): Victoria

Abstract: Indigenous females are thirty five time more likely to be hospitalised as a result of family violence than non-Indigenous females. Significant barriers to equality continue to impede progress in this area. The Aboriginal Family Violence Prevention and Legal Service Victoria is an Aboriginal community controlled organisation working with families affected by violence. Key issues of focus for the centre include: strengthening justice outcomes; the reconsideration of regionally designated funding; addressing service gaps in rural locations; providing cultural appropriate after hours support; providing referrals to appropriate legal support; linking with mainstream justice services; enhancing therapeutic interventions; strengthening services for children; renewing a focus on sexual assault; strengthening police communication and helping women stay out of prison. This article addresses the work of the service, successes achieved and challenges it faces in providing these services.

ISSN: 1445-436X

See also the Australian Institute of Criminology publications on women:

<http://www.aic.gov.au/en/meta-data/categories/classification/crime%20and%20the%20community/women.aspx>

- [Good practice in women's prisons: A literature review](#)
14 February 2011
- [Diversion programs for Indigenous women](#)
20 December 2010
- [Indigenous women's offending patterns: A literature review](#)
13 July 2010
- [Mental health, abuse, drug use and crime: does gender matter?](#)
11 November 2009
- [Childhood victimisation as indicators of adult victimisation](#)
20 October 2004
- [The female criminal : an overview of women's drug use and offending behaviour](#)
04 October 2003

Indigenous prisoners: AIC publications

- [Diversion programs for Indigenous women](#)
20 December 2010
 - [Indigenous perpetrators of violence: Prevalence and risk factors for offending](#)
08 April 2010
 - [Prior imprisonment by Indigenous status](#)
17 July 2009
 - [Indigenous imprisonment rates](#)
17 July 2009
 - [Most serious offence by Indigenous status](#)
17 July 2009
-

2. Children of prisoners: research and policy

Representations of Attachment Relationships in Children of Incarcerated Mothers

Julie Poehlmann

Child Development, Vol. 76, No. 3 (May - Jun., 2005), pp. 679-696

Published by: [Wiley-Blackwell](#) on behalf of the [Society for Research in Child Development](#)

Article Stable URL: <http://www.jstor.org/stable/3696459>

Representations of attachment relationships were assessed in 54 children ages 2.5 to 7.5 years whose mothers were currently incarcerated. Consistent with their high-risk status, most (63%) children were classified as having insecure relationships with mothers and caregivers. Secure relationships were more likely when children lived in a stable caregiving situation, when children reacted to separation from the mother with sadness rather than anger, and when children were older. Common reactions to initial separation included sadness, worry, confusion, anger, loneliness, sleep problems, and developmental regressions. Results highlight need for support in families affected by maternal imprisonment, especially efforts to promote stable, continuous placements for children, in addition to underscoring the importance of longitudinal research with this growing but understudied group.

Children's Family Environments and Intellectual Outcomes during Maternal Incarceration

Julie Poehlmann

Journal of Marriage and Family, Vol. 67, No. 5 (Dec., 2005), pp. 1275-1285

Published by: [National Council on Family Relations](#)

Article Stable URL: <http://www.jstor.org/stable/3600312>

Despite the dramatic increase in incarcerated mothers that has occurred in the past decades, there is a paucity of family research focusing on the children affected by maternal imprisonment. The present study investigated family environments and intellectual outcomes in 60 children between the ages of 2 and 7 years during their mothers' incarceration. Multiple methods were used to collect data from children, mothers, and children's non-maternal caregivers. Results indicated that most children experienced multiple risks across contextual levels. Cumulative caregiver sociodemographic risks predicted children's cognitive abilities, although quality of the home and family environment mediated this relation. Results underscore the importance of children's family environments and highlight the need for increased monitoring, service delivery, and longitudinal research with children of incarcerated mothers and their families.

Factors Associated with Young Children's Opportunities for Maintaining Family Relationships during Maternal Incarceration

Julie Poehlmann, Rebecca J. Shlafer, Elizabeth Maes and Ashley Hanneman

Family Relations, Vol. 57, No. 3 (Jul., 2008), pp. 267-280

Published by: [National Council on Family Relations](#)

Article Stable URL: <http://www.jstor.org/stable/20456792>

Children affected by maternal incarceration experience challenges maintaining continuous family relationships because of changes in caregivers, separation from siblings, and limited contact with **mothers**. In this mixed-method study, we investigated maternal and contextual factors associated with continuity in family relationships of **children** living with relatives because of their mother's incarceration. Interviews with 92 incarcerated **mothers** revealed that **children** were more likely to live in continuous caregiving arrangements when **mothers** felt that the caregiver was their choice, when **children** lived with fathers, and when the mother-caregiver relationship was more positive. In

addition, most **mothers** were concerned about the quality or stability of care when expressing a preference for children's living arrangements.

Maternal Incarceration and Children's Adolescent Outcomes: Timing and Dosage

Rosa Minhyo Cho

Social Service Review , Vol. 84, No. 2 (June 2010), pp. 257-282

Published by: The University of Chicago Press

Article Stable URL: <http://www.jstor.org/stable/10.1086/653456>

With rapid growth in female incarceration rates, an unprecedented number of children are growing up in households with incarcerated mothers. This study examines the influences of timing and dosage on the relations between maternal incarceration and adolescent children's high school dropout rate as well as on the association between maternal incarceration and the youth's risk of incarceration. The length and frequency of the mother's separation from her child are here described as dosage. The article analyzes data on 9,563 children who are between the ages of 5 and 17 when their mothers enter either jail or prison. A sibling-pair sample is used to control for unobserved maternal household-level characteristics, and the results suggest that only adolescent boys are sensitive to the timing of maternal incarceration, as exposure during early adolescence is associated with larger negative school outcomes than those for exposure during middle childhood or late adolescence. Boys are found to be more sensitive than girls to the frequency of maternal incarceration, but girls are more sensitive to length. Both display sensitivity to dosages of maternal incarceration, and the direction of relations is unexpected.

Incarcerated Mothers and Fathers: A Comparison of Risks for Children and Families

Danielle H. Dallaire

Family Relations , Vol. 56, No. 5 (Dec., 2007), pp. 440-453

Published by: National Council on Family Relations

Article Stable URL: <http://www.jstor.org/stable/4541687>

The current study investigates differences between inmate **mothers'** and fathers' reported rates of incarceration for family members, adult children, predictors of adult children's incarceration, and living situation of minor children. Participants included 6,146 inmates who participated in the U.S. Department of Justice Survey of Inmates in State and Federal Correctional Facilities. **Mothers** were 2.5 times more likely to report that their adult children were incarcerated than fathers; **mothers'** regular drug use predicted adult child incarceration. Incarcerated **mothers** reported greater familial incarceration and their minor children were more likely to be in foster and other nonfamilial care situations than incarcerated fathers. As risk factors accumulated, there were greater rates of adult child incarceration, with a more obvious relationship for **mothers**.

The Effects of Parental Imprisonment on Children

Joseph Murray and David P. Farrington

Crime and Justice , Vol. 37, No. 1 (2008), pp. 133-206

Published by: The University of Chicago Press

Article Stable URL: <http://www.jstor.org/stable/10.1086/520070>

The number of children experiencing parental imprisonment is increasing in Western industrialized countries. Parental imprisonment is a risk factor for child antisocial behavior, offending, mental health problems, drug abuse, school failure, and unemployment. However, very little is known about whether parental imprisonment causes these problems. Parental imprisonment might cause adverse child outcomes because of the trauma of parent-child separation, stigma, or social and economic strain. Children may have worse reactions to parental imprisonment if their mother is imprisoned or if parents are imprisoned for longer periods of time or in more punitive social contexts. Children should be protected from harmful effects of parental imprisonment by using family-friendly prison practices, financial assistance, parenting programs, and sentences that are less stigmatizing for offenders and their families.

Title: Special issue : making a better world for children of incarcerated parents.

Author(s): RAEDER, Myrna S

Source: FAMILY COURT REVIEW; 50 (1) January 2012: 23-35

Journal Title: Family Court Review

Subject(s): CHILD WELFARE; FAMILIES; PRISONERS

Abstract: Incarceration of parents also imposes a punishment on their children often leading to foster care, school failure, homelessness, unemployment, poverty, and institutionalisation - youth at risk - intergenerational cycle of crime - identifies publications and sources for further research.

ISSN: 1531-2445

Title: Children visiting mothers in prison: the effects on mothers' behaviour and disciplinary adjustment.

Author(s): Casey-Acevedo, Karen; Bakken, Tim; Karle, Adria

Source: Australian and New Zealand Journal of Criminology, v.37, no.3, Aug 2004: 418-430

Journal Title: Australian and New Zealand Journal of Criminology

Subject (Major): Parents; Prisoners; Children

Subject (Minor): Surveys; Emotions; Behaviour; Punishment

Identifier: Inmate mothers; Institutional behaviour; Visitation; Separation

ISSN: 0004-8658

Title: Letter to the editor: the magnitude of experience of parental incarceration in Australia

Author(s): Quilty, Simon; Butler, Tony; Levy, Michael H

Source: Psychiatry, Psychology and Law; Vol. 12, Issue: 1; Apr 2005: 256-257

Journal Title: Psychiatry, Psychology and Law

Subject(s): Children of prisoners; Effects of imprisonment; Mental health; Alternatives to institutionalisation; Prisoners families

Abstract: In Australia, approximately 38,000 children experience parental incarceration each year, while 145,000 children have ever lost a parent to prison. Children from low socioeconomic backgrounds, children who experience family disruption and children who are separated from their parents at an early age all face significantly increased mental health risks. These factors are commonly found in the children of prisoners. A health survey conducted within the NSW prison system in 2001 found that 35% of non Indigenous and 40% of Indigenous fathers and 43% of mothers in prison originated from south eastern, western or south western Sydney. These areas are generally characterised by low socioeconomic status, high rates of unemployment and other markers of social disadvantage. In view of the damaging consequences of imprisonment for the children of those imprisoned, incarceration should be used as a punitive mechanism of last resort. Increased efforts should be directed at developing non custodial sentencing options such as drug diversion programs. Government agencies need to work together more closely to make interventions for children and families of prisoners a priority and to target these services at areas where incarceration rates are high. Healthier parental relationships could also be fostered behind bars, and conjugal visits should be considered. **ISSN:** 1321-8719

Title: Moving beyond generalizations and stereotypes to develop individualized approaches for working with families affected by parental incarceration.

Author(s): GENTY, Philip M

Source: FAMILY COURT REVIEW; 50 (1) January 2012: 36-47

Journal Title: Family Court Review

Legislation: Adoption and Safe Families Act 1997 (US)

Subject(s): CHILD WELFARE; FAMILIES; PRISONERS

Jurisdiction: UNITED STATES

Abstract: Situations involving incarcerated parents and children vary widely and rigid solutions often overlook important differences among families - relevant legislation and the Children of Incarcerated Parents Bill of Rights are stereotyped and oversimplified - an individualised approach is required - development of sound legal and social policy.

ISSN: 1531-2445

Title: Barriers to reunification for incarcerated parents: a judicial perspective.

Author(s): DOWNING, Marguerite D

Source: FAMILY COURT REVIEW; 50 (1) January 2012: 71-76

Journal Title: Family Court Review

Subject(s): FAMILY LAW; PARENTAL RIGHTS AND DUTIES; PRISONERS; SHARED PARENTING

Jurisdiction: UNITED STATES

Abstract: The effect imprisonment or institutionalisation in treatment facilities has on parents wanting to reunify with their children - role of the Incarcerated Parents Working Group - extension of reunification services - ability to maintain contact with their children - compliance with court orders.

ISSN: 1531-2445

Title: The development of a parenting program for incarcerated mothers in Australia: a review of prison-based parenting programs

Personal Author: Newman, Claire; Fowler, Cathrine; Cashin, Andrew

Author Affiliation: Faculty of Nursing, Midwifery and Health (1) ; Centre for Midwifery, Child and Family Health (2), UTS, NSW ; School of Health and Human Sciences, Southern Cross University, Lismore, NSW

Source: Contemporary Nurse; Vol. 39, Issue: 1; Aug 2011: 2-11

Journal Title: Contemporary Nurse

Subject(s): Parenting; Parenthood education; Parent education; Mothers; Mother child relationship; Women prisoners; Children of prisoners; Programs

Subject (Geographic Name): New South Wales

Abstract: The increasing population of children with an incarcerated parent is a significant public health issue. A literature search highlighted that children of incarcerated parents experience psychological stressors that may potentially impact on health and behavioural outcomes. Parenting programs for prisoners may be of benefit as early parenting experiences during childhood have a significant impact on a child's future experiences as an adolescent and adult. A review of identified evaluation-based studies of parenting programs for prisoners (N = 11), although varied in program delivery approaches and evaluation methods, suggest that such programs have the potential to improve the parenting skills, knowledge and confidence of incarcerated parents. Finally, this paper provides an outline of the development of an Australian based parenting program for incarcerated mothers and their young children.

ISSN: 1037-6178

Title: The impact of a correctional-based parenting program in strengthening parenting skills of incarcerated mothers.

Author(s): Barbara, Karen; Fowler, Cathrine; Heggie, Kyleigh; PERRY, Victoria

Source: CURRENT ISSUES IN CRIMINAL JUSTICE; 22 (3) March 2011: 457-472

Journal Title: Current Issues in Criminal Justice

Subject(s): CHILDREN; PRISONERS; WOMEN IN CRIME

Jurisdiction: AUSTRALIA; New South Wales

Abstract: Evaluation of the Mothering at a distance (MAAD) program implemented in correctional facilities for female prisoners in New South Wales - early parenting education and support intervention to mothers in custody - reduce emotional and social impact of separation on children - break the intergenerational cycle of crime - Tresillian Family Care Centres.

ISSN: 1034-5329

Text: <http://search.informit.com.au.ezproxy2.library.usyd.edu.au/fullText;res=AGISPT;dn=20112238>

Title: The impact of a correctional-based parenting program in strengthening parenting skills of incarcerated mothers

Author(s): Perry, Victoria; Fowler, Cathrine; Heggie, Kyleigh; Barbara, Karen

Source: Current issues in criminal justice; Vol. 22, Issue: 3; Mar 2011: 457-472

Journal Title: Current issues in criminal justice

Subject(s): Parental imprisonment; Parent education; Mothers; Prisoner programs; Children of prisoners; Female prisoners; Intergenerational transmission of crime

Name as Subject: Mothering at a Distance (program); Corrective Services NSW ; Tresillian Family Care Centres

Subject (Geographic Name): New South Wales

Abstract: Despite a relative paucity of information on the impact that incarceration of a parent has on a child, most literature agrees that the effects are real and profound. Corrective Services NSW (CSNSW) in conjunction with Tresillian Family Care Centres introduced a parenting program, Mothering at a Distance (MAAD), across correctional facilities for female prisoners in New South Wales (NSW), Australia. The central aim of the Program was to provide early parenting education and support intervention to mothers in custody, with the aim of guarding against the intergenerational cycle of crime. The Program intended to enhance a prisoner's ability to provide appropriate and sensitive parenting and reduce the emotional and social impact of separation on their children. An evaluation of the Program's development, implementation, effectiveness, and sustainability was conducted on all groups run between October 2006 and December 2008. This article provides a summary of the evaluation findings. **ISSN:** 1034-5329

Title: Responding to the children of women in prison: making the invisible visible

Author(s): Flynn, Catherine

Source: Family relationships quarterly; Issue: 19; 2011: 10-14

Journal Title: Family relationships quarterly

Subject(s): Children of prisoners; Children at risk; Child protection services; Effects of imprisonment

Subject (Geographic Name): Australia; Victoria

Abstract: In Victoria there is no coordinated response by the child protection and justice systems to managing the situations of the growing numbers of children of imprisoned parents. This study gathered qualitative data from 15 women who had been imprisoned in Victoria, (released between December 2002 and December 2003), their adolescent children, and a small group of professionals who had been involved with these families. Case studies were constructed from this data, investigating the impact of maternal incarceration on 20 individual children. Data show that these children are the indirect recipients of adult justice, intersecting with the criminal justice system at many points. The findings of this study suggest the need for change to ensure these children are brought in from the margins: the identification of primary carers at arrest; alternatives to imprisoning mothers; family impact statements in pre-sentence reports; targeted support services for these children; and formal attention to family reunification planning. **ISSN:** 1833-9077

Uniform Resource Identifier: <http://www.aifs.gov.au/afrc/pubs/newsletter/frq019/frq019-3.html>

Title: Rhiannon and Sasha visit mum

Personal Author: Tucker, Kerry

Corporate Author: Dame Phyllis Frost Centre

Source: [Ravenhall, Vic.]: Dame Phyllis Frost Centre, 2010. 26 pp.

Subject(s): Children of prisoners; Women prisoners; Effects; Mother child relationship; Family relations

Abstract: This picture book for children explores the emotions of having a mother incarcerated in prison. It features the story of two children who visit their mother in prison, and describes their feelings, what imprisonment means, and what is involved in visiting a person in prison. Written by a former prisoner, the book aims to encourage visitation by children, demystify the issues involved, and stress the ongoing love of parents for their children.

Title: Children of prisoners

Author(s): Symonds, Ann

Source: Judicial officers' bulletin; Vol. 21, Issue: 3; Apr 2009: 24 + [1] p

Journal Title: Judicial officers' bulletin

Subject(s): Children of prisoners; Prisoners families; Mothers; Family relations; Child development; Children at risk

Subject (Geographic Name): New South Wales

Abstract: The relationship with the mother is widely accepted to be critical in the emotional and social development of a child. This brief article discusses research findings which identify disrupted parental attachment, such as when the mother is incarcerated, as leading to a higher risk of mental illness and increased risk of adult criminal behaviour. **ISSN:** 1036-1294

Title: National Conference on Australian Prison Issues: speakers and agenda 2009 / Australian Prison Foundation

Author(s): Australian Prison Foundation;

Name of Conference: National conference on Australian prison issues (1st : 2009 : Melbourne)

Subject(s): Imprisonment; Prison conditions; Corrections

Subject (Geographic Name): Australia

Abstract: This website contains audio and presentations from speakers of the National Conference on Australian Prison Issues. The speakers and their topics are; Father Peter Norden - A National Perspective on the Use (or abuse) of Imprisonment in Australia; Claire Spivakovsky - Localised Correctional Approaches towards Indigenous Offender Responsivity; Prof. Rob White - The Duality of Responsibility and the End of Prison as We Know It; Ron Fabre - Improving Prisoner rehabilitation and reintegration outcomes through computer and Internet-based resources and; Dr. Terry Bartholomew - Measuring community views about the reintegration of offenders: Victorian data and Should young children be allowed to reside with incarcerated mothers? The views of key Australian stakeholders; Miriam Scurrah - The Australian Prison Foundation - Why did it start and what will it do? (paper only); Prof. Joe Graffam - The ecology of reintegration: an explanatory and support model; Dr. Debra Smith - Conversations with Patrick; John Ryan - Prisons, Needles and Occupational Health and Safety; Greg Barns - The Politics of Prison Reform: When will the Penny Drop?.

Identifier: <http://prisonissuesconference.webs.com/speakersagenda2009.htm>

Title: Evaluation of the Better Pathways strategy, Corrections Victoria: executive summary / PricewaterhouseCoopers

Author(s): PricewaterhouseCoopers; Victoria. Dept. of Justice

Subject(s): Womens' correctional institutions; Program evaluation; Female prisoners

Subject (Geographic Name): Victoria

Abstract: The Better Pathways strategy was launched in 2005 as a response to the doubling of the female prisoners in a ten year time frame, and the obvious strain this placed on prison facilities. Another motivator was concern about impacts female imprisonment and detention has on their children. \$25.5 million dollars of funding was allocated for a range of programs to address this prison population boom. The Strategy sought to reduce the rate of initial imprisonment and recidivism. The strategy was developed bearing in mind the key drivers of imprisonment and recidivism, key factors that cause women to offend and re-offend and examples of best practice in addressing these issues, using both Australian and international examples. This evaluation, grounded by a literature review, assessed the Strategy as a whole, the 22 programs within Better Pathways individually and combinations of programs. A number of weaknesses and findings are identified and described in relation to the outcomes of the program, aspects of the programs and opportunities to increase effectiveness.

Identifier: http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/resources/d/0/d06b7c80404a9b1d8ac4fbf5f2791d4a/PwC_Executive_Summary_CV_2.pdf

Title: Evaluation of the Mothering at a Distance program / Victoria Fowler, Cathrine Fowler and Kyleigh Heggie

Author(s): Perry, Victoria; Fowler, Cathrine; Heggie, Kyleigh; Tresillian Family Care Centres; New South Wales. Dept. of Corrective Services

Imprint: Sydney: NSW Department of Corrective Services, 2009.

Subject(s): Mothers; Female prisoners; Children of prisoners; Family support; Prisoners families; Program evaluation

Subject (Geographic Name): Australia; New South Wales

Abstract: The Mothering at a Distance Program (MAAD) is a collaborative project between Tresillian Family Care Centres and the NSW Department of Corrective Services. Funded for three years by the Australian Government, the development of the program was in response to an identified need for parenting programs to be provided for incarcerated mothers. MAAD aims to assist incarcerated mothers to gain skills to start to enhance their ability to provide appropriate, sensitive and timely parenting. It consists of four complementary programs that aim to provide early parenting education and support intervention to incarcerated mothers to enhance their ability to provide appropriate and sensitive parenting, and reduce the emotional and social impact of separation due to incarceration on their children 0-5 years, thus breaking the inter-generational cycle of crime.

The MAAD programs include: an orientation program consisting of an information session for the mothers on entry to the corrective services system; a supported play program (stay and play) for the children during visiting times; a mothers group focused on the development of parenting and maternal/child relationship skills; and an education and support program for corrective services staff to enable them to assume ongoing responsibility and facilitation of the program enabling sustainability beyond the three years of funding. The evaluation of the MAAD Program was identified as of crucial importance due to the paucity of evidence for the effectiveness of parenting programs within the correctional system, and aimed to assess the development, implementation, effectiveness, and sustainability of the MAAD Program. Commencing in 2006, the evaluation gathered information pertinent to those who participated in all groups conducted between October 2006 and December 2008. This report provides the outcome of this evaluation work.

Title: Inmate mums' graduation day

Source: Department of Corrective Services bulletin; Issue: 622; Nov 2008: 4-5

Journal Title: Department of Corrective Services bulletin

Subject(s): Female prisoners; Prisoner programs; Children of prisoners; Womens correctional institutions

Name as Subject: Emu Plains Correctional Centre (NSW)

Subject (Geographic Name): New South Wales

Abstract: This brief article looks back at the results of the three year pilot of the 'Mothering at a distance' program. Conducted by the New South Wales Department of Corrective Services, the program aimed to improve parenting skills and boost the relationship between incarcerated women and their young children. With a 75% completion rate, the pilot program has been judged successful and will be extended to at least one other women's correctional centre. **ISSN:** 1442-4525

Title: Is it meaningful for a child to visit gaol?

Personal Author: Fogarty, John

Author Affiliation: Former Judge, Appeal Division, Family Court of Australia

Source: Australian Family Lawyer v.20 no.2 Autumn 2008: 46-55

Journal Title: Australian Family Lawyer

Subject(s): Children of prisoners; Child contact; Family law; Law reform; Parent child relationship; Child welfare

Identifier: Australia. Family Law Amendment (Shared Parental Responsibility) Act (2006)

Abstract: The Family Law Amendment (Shared Parental Responsibility) Act 2006 introduced the presumption of equal shared parental responsibility, with its primary consideration of the benefit to the child in having a meaningful relationship with both parents. The author is concerned that the amendment may be interpreted to assess all contact as good, both in assessing what is meaningful and beneficial and in imposing impractical or unwanted relationships and that the welfare of the child may not be properly considered in the situation of the children of incarcerated parents. In answering the question is it in the child's best interests to visit a parent in gaol, the author considers guiding principles, and explores issues of the welfare of the children, the other parent, court proceedings, other contact methods, and provides pre and post 2006 case examples. **ISSN:** 0817-6531

Availability: Law Council of Australia <http://www.familylawsection.org.au/>

Title: Causes of and solutions to inter-generational crime: the final report of the study of the children of prisoners / Liz Gordon

Author(s): Gordon, Liz; Pillars (Organisation)

Subject(s): Children of prisoners; Effects of imprisonment; Prisoners families; Corrections policies; Intergenerational crime; Intergenerational transmission of crime; Families at risk

Subject (Geographic Name): New Zealand

Abstract: This report summarises and analyses the results of two years of research into prisoners and their families. It outlines the findings and puts the research into current context. The report focuses on: what have been found about prisoners, why the children of prisoners are more likely to end up in prison and what can be done about it, and the issues surrounding the children of prisoners with some practical suggestions offered to make a difference. The report concludes that government agencies need to change their approach in order to reduce the harm caused to the children of

prisoners. In all their practices, such agencies need to consider how to positively engage with the children of prisoners. **ISBN:** 9780987651204
Uniform Resource Identifier: <http://pillars.org.nz/images/stories/2nd-research-report.pdf>

Title: Parental imprisonment and child protection: a study of children presented to the Melbourne Children's Court

Personal Author: Sheehan, Rosemary

Author Affiliation: Department of Social Work, Monash University, Caulfield Vic

Source: Australian Social Work; Vol. 62, Issue: 2; Jun 2010: 164-178

Journal Title: Australian Social Work

Subject(s): Child protection; Children of prisoners; Courts; Statistics; Effects; At risk children

Subject (Geographic Name): Victoria

Abstract: This paper reports on a study funded by the Criminology Research Council, Australia, which set out to investigate the intersection between the child protection and criminal justice systems and the extent to which children before the Melbourne Children's Court on child protection matters had a parent currently in prison, awaiting sentencing, or previously in prison. Magistrates identified 156 children as meeting these criteria during the study period June to December, 2006. Analysis of court records gathered quantitative and qualitative data about parents' offending, why the children had been brought to the attention of the court, and the health, welfare, and behavioural concerns the child protection service expressed about the children. There was no coordinated response by the child protection and justice systems to managing these children's situations. Early intervention and the development of child protection service protocols with the corrections system for children whose parents enter prison is essential, to better address the instability and disruption in care these children experience. **ISSN:** 0312-407X (print); 1447-0748 (online)

Title: Children of prisoners: who considers their suffering?

Author(s): Levy, Michael H

Source: Human Rights Defender; 7, 3; Dec 2008: 20-22

Subject(s): Children of prisoners; Intergenerational crime; Disadvantaged groups; Effects of imprisonment

Name as Subject: United Nations Convention on the Rights of the Child

Subject (Geographic Name): Australia

Abstract: In this article, the author demonstrates that the child of an Australian prisoner is statistically susceptible to following their parents to prison. Forty per cent of juvenile detainees in New South Wales have had a parent imprisoned. These and other indicia of disadvantage and damage are known trends. The author analyses these issues in the context of articles three, nine, and twelve of the Convention on the Rights of the Child. Unlike the crime victim who is often seen and heard by the sentencing court, these victims of their parent's criminality are given no place to be heard in the justice process. **ISSN:** 1039-2637

Title: Building a therapeutic care team: foster care intervention when a mother is imprisoned: a case study

Personal Author: Flynn, Catherine; Lawlor, Jenny

Author Affiliation: Department of Social Work, Monash University, Caulfield Campus, Caulfield Vic 3162 (1) ; Anchor Foster Care, Wantirna South Vic

Source: Children Australia; Vol. 33, Issue: 4; 2008 : 24-30

Subject(s): Foster care; Children; Case studies; Effects; Biological parents; Children of prisoners; Prisoners; Family support services; Family reunification

Abstract: This paper presents the case study of a family which was supported by a Victorian foster care agency over a two-year period whilst both parents were imprisoned. The article aims to raise awareness amongst practitioners across a range of fields of practice about the issues faced by the children of prisoners, and to document effective and collaborative practices which enable the impact of parental incarceration to be managed and minimised for the children involved. The paper is based on data gathered for a study examining the impact of maternal incarceration on young people conducted by one of the authors. Through focusing on one family, the paper discusses the increasing phenomenon of mothers in prison and the challenges this presents both to their families and to practitioners. The paper concludes by reflecting on the process and suggests that collaborative work

with the families of prisoners requires not just good intentions but resources, commitment from all parties, and mutually respectful relationships. **ISSN:** 1035-0772

Title: Parents as prisoners: maintaining the parent-child relationship / Rosemary Sheehan and Gregory Levine

Author(s): Sheehan, Rosemary; Levine, Gregory

Document Type: Monograph

Imprint: Caulfield, Vic: Monash University, 2007.

Series: Criminology Research Council grant; 39/05-06

Subject(s): Children of prisoners; Prisoners families; Family relations; Family support; Child protection; Children at risk; Childrens court procedures; Childrens courts; Child care services; Family intervention programs; Effects of imprisonment; Criminal justice system evaluation

Name as Subject: Children's Court of Victoria

Subject (Geographic Name): Melbourne; Victoria

Abstract: Children of parents who are or have been in prison often endure considerable disruption in their care, receive negligible material support and experience difficulty maintaining family ties. They are a uniquely vulnerable group of children, who may come into contact with child protection and welfare agencies and become the subject of child protection proceedings in children's courts. The children present particular challenges to legal and welfare decision makers in relation to maintaining relationships between the children and their parents. Little is known about this group of children, about the impact on them of their parents' offending and imprisonment and the ways, if any, that child welfare services and children's courts respond to their distinctive circumstances. This report describes the study undertaken in the Melbourne Children's Court from June to December 2006, that set out to identify the extent to which children involved in child protection proceedings had parents who were currently or previously in prison, or were awaiting sentencing. It sought also to examine the impact of parental imprisonment on these children, to examine their care histories to discover what factors impact on their stability of care, and to propose ways the court and welfare systems should respond to these children's special circumstances. There were 156 children identified by magistrates as meeting these criteria during the study period. Data was gathered about the child protection proceedings, parental involvement with the criminal justice system, the child's age and family composition, care arrangements, information about their health and education, and about any support services and interventions involved with the child and family. What emerged as a consequence of the study was that there was no co-ordinated response by the child protection and justice systems to managing these children's situations, no formal case-planning process that brought together the key stakeholders in decisions about, for example, children and their care. **Call Number:** 362.829509945 f SHE

Uniform Resource Identifier: <http://www.aic.gov.au/crc/reports/200506-39.pdf>

Title: Children: unintended victims of legal process: a review of policies and legislation affecting children with incarcerated parents / Flat Out and the Victorian Association for the Care and Resettlement of Offenders (VACRO)

Author(s): Hannon, Terry; Flat Out; Victorian Association for the Care and Resettlement of Offenders (VACRO)

Document Type: Monograph

Imprint: Melbourne: Victorian Association for the Care and Resettlement of Offenders (VACRO), 2006.

Subject(s): Children of prisoners; Parents; Mothers; Child custody; Female prisoners; Prisoners families; Prison visits; Family support; Family relations; Family reunification; Arrest and apprehension; Released prisoners; Release from prison; Pre release programs; Post release programs; Effects of imprisonment; Criminal justice system analysis; Criminal justice system evaluation; Criminal justice system policy

Subject (Geographic Name): Victoria

Abstract: This project was developed from the realisation that considerable research was available detailing the adverse effects of parental imprisonment on children, but that very little information was available about the policy and legislative context in which these adverse effects occurred. The aim of the project is to trace the experiences of a number of children that currently have a primary carer in prison, through a series of interviews with involved adults including the sentenced mothers, arresting police officers, the mothers' solicitors, the sentencing magistrates/judges, and the interim carer/s. It

examines the current policies and guidelines that affect children with an imprisoned mother, and covers the period from the arrest and imprisonment of the parent to their release and reconciliation with the family. Although the paper focuses on Victoria, it draws on national and international research. The first stage of this project has resulted in this discussion paper that investigates the possibility that the lives of these children could be significantly improved, and the costs to the community reduced, by implementing policies and processes that acknowledged their existence and situation.

Call Number: 362.829509945 f CHI

Identifier:http://www.vacro.org.au/Children_Unintended_Victims/PDFs/Discussion_Paper.pdf

Title: Taken in: when women with dependent children are taken into custody: implications for justice and welfare

Author(s): Women's Legal Service (SA) Inc

Subject(s): Female prisoners; Children of prisoners; Criminal justice system policy; Criminal procedure; Offender profiles

Subject (Geographic Name): South Australia

Identifier: Risk factors

Abstract: The criminal legal system experiences of women offenders who have dependent children are reported. The report identifies three levels of risk to be tackled in the policy and procedures used by the criminal legal system: the risk to children's welfare; the risk to the equity of the treatment experienced by individual women in the system; and the risk to the integrity of the system and those who work within it. **ISBN:** 1865062197

Call Number: 362.8295099423 f TAK

Title: Families affected by the imprisonment of a parent: what are the issues for children and women

Personal Author: Healy, K; Foley, D; Walsh, K

Author Affiliation: Researcher, Department of Social Work, Social Policy and Sociology, University of Sydney, Sydney NSW 2006 (1) ; Catholic Prison Ministry (2); Project Worker, Young Mothers for Young Women (3)

Source: DVAR: Domestic Violence, Action and Resources Magazine no.8 Sept 2000: 23-26

Journal Title: DVAR: Domestic Violence, Action and Resources Magazine

Subject(s): Prisons; Prisoners; Parents; Children of prisoners; Effects; Needs assessment; Family support services

Abstract: This paper begins with an overview of the international evidence about imprisonment and the scope of issues faced by parents in prison and their families. Drawing on research undertaken by the Catholic Prison Ministry between 1997 and 1999 on the family support needs of parents in prison and their families, specific issues faced by children and women involved in corrective institutions are outlined and policy implications are considered.

ISSN: 1329-900X

Availability: Domestic Violence Resource Centre, PO Box 3278, South Brisbane Qld 4101. Email info@dvrc.org.au. Internet <http://www.dvrc.org.au/>

Title: Children: unintended victims of legal process: a review of policies and legislation affecting children with incarcerated parents

Personal Author: Hannon, Terry

Source: Melbourne, Vic: Flat Out Inc., and Victorian Association for the Care and Resettlement of Offenders, 2006.

Subject(s): Children of prisoners; Women prisoners; Effects; Foster care; Policy; Legislation; Arrest; Court procedures; Parent child relationship; Prisons

Subject (Geographic Name): Victoria

Abstract: The aim of this research was to trace the experiences of children with a primary carer in prison, through a series of interviews with involved adults including sentenced mothers, arresting police officers, mothers' solicitors, sentencing magistrates or judges, and interim carers. There are no policies or laws in place to protect children in Victoria when their primary carer is arrested and imprisoned, other than the Corrections policy for the small number of children eligible to reside with their mothers in prison. This discussion paper examines ways to improve these children's lives and to

reduce the costs to the community, through implementing policies and processes that take account of the existence of these children and their needs.

Availability: Victorian Association for the Care and Resettlement of Offenders (VACRO)

<http://www.vacro.org.au>

Identifier:http://www.vacro.org.au/Children_Unintended_Victims/PDFs/Discussion_Paper.pdf

Title: Children of prisoners project: Steering Committee's report to the Justice Cabinet Committee

Corporate Author: South Australia. Attorney General's Department

Source: Adelaide, SA: Justice Strategy Division, Attorney General's Department, 2005.

Subject(s): Children of prisoners; Prisoners; Parents; Indigenous Australians; Effects; Prisoners; Parent child relationship; Grandparents; Family support services; Surveys; Literature reviews; Parent education

Subject (Geographic Name): South Australia

Abstract: The report presents the major findings of an examination into the needs of children affected by parental incarceration to determine ways in which service provision could be improved. As part of the project, two separate surveys were undertaken: parents in prison survey and carers of children who have a parent in prison survey. In total, 106 parents in prison and 28 carers of children affected by parental incarceration were surveyed. The parents surveyed had a total number of 256 children between them. Half of the children in the study were aged seven years or under. Nearly one-third of the parents surveyed identified that during their childhood, a parent or significant other, was imprisoned. Many reported drug and mental health problems prior to their incarceration. The significant emotional and financial burden placed upon grandparents was one of the recurring themes to emerge. The report contains an action plan that reflects the findings of the project's consultations, surveys, case studies and available literature on the topic. Key areas identified for focus included the need for research and data collection on the parenting responsibilities of prisoners; greater awareness of the impact of parental incarceration on children by all those involved in the key contact points along the criminal justice system; more understanding in the community to help reduce the shame and stigma often experienced by children affected by parental incarceration; more opportunities for children to have contact with their imprisoned parent; and the continued delivery and expansion of parenting programs to enable parents in prison to develop the necessary parenting skills.

Availability: Attorney General's Department, South Australia <http://www.justice.sa.gov.au/>

Identifier:http://www.justice.sa.gov.au/publications/pdf/Children_of_Prisoners_Report.pdf

2a Children of prisoners: research and policy: indigenous families

Title: Aboriginal women with dependent children leaving prison project : needs analysis report / Eileen Baldry, Jackie Ruddock and Jo Taylor

Author(s): Baldry, Eileen; Ruddock, Jackie; Taylor, Jo; Homelessness NSW; University of New South Wales; New South Wales. Dept of Community Services

Document Type: Monograph

Imprint: Sydney: University of New South Wales, 2008.

Subject(s): Aboriginal female prisoners; Prisoners families; Post release programs; Post release housing

Subject (Geographic Name): Western Sydney; New South Wales

Abstract: This project investigates the transitional and post release needs of Aboriginal women with dependent children who are exiting prison in Western Sydney. It aims to understand their needs; appropriate services available and service gaps in the area, in order to recommend a service model and evaluation framework addressing these needs. In the longer term it is to inform a supported housing pilot project for this group of women and their children. This needs analysis is informed by social inclusion, rehabilitative, strengths based, Indigenous cultural and women specific theoretical perspectives. A literature review was undertaken. A qualitative method, employing purposive surveys of agencies and interviews with Aboriginal women prisoners, and a range of workers, was used. The analysis was guided by project logic. Service availability was compared with the needs evident from the analysis of the interviews and literature. **ISBN:** 9780646497907. **Call Number:** Online only

URI Indicator: Yes

Uniform Resource

Identifier:<http://www.homelessnessnsw.org.au/documents/resources/Aboriginal%20women%20with%20dependent%20children%20leaving%20prison%20project%20needs%20analysis%20report.pdf>

Title: Addressing the needs of Aboriginal women prisoners and their families in Western Australia
Author(s): Salomone, Joanna
Source: Indigenous Law Bulletin; Vol. 6, Issue: 14; Oct 2005: 17-19
Journal Title: Indigenous Law Bulletin
Subject(s): Aboriginal female prisoners; Women's correctional institutions; Prisoner programs; Prisoners families; Children of prisoners
Name as Subject: Boronia Pre-release Centre for Women (WA)
Subject (Geographic Name): Perth; Western Australia

Abstract: In May 2004, the Boronia Pre Release Centre for Women was commissioned in Perth. Aboriginal women constitute around 15% of residents at the Boronia Centre. This article describes the programs and facilities of the centre, which was designed specifically to meet the needs of Aboriginal women and their families. The centre aims to address the personal and cultural as well as criminogenic needs of women prisoners. Residents participate in a full day of meaningful activity including education, skills acquisition, vocational education and training, work, personal development, programs, household chores and recreation. Children aged up to and including four years are accommodated with their mothers. Early indications from the centre's first year of operation are of a reduction in recidivism and the women's successful preparation for release into the community.
ISSN: 1328-5475

3. Post incarceration issues

Title: Women in transition : from prison to ...
Author(s): BALDRY, Eileen
Source: CURRENT ISSUES IN CRIMINAL JUSTICE; 22 (2) November 2010: 253-267
Journal Title: Current Issues in Criminal Justice
Subject(s): ABORIGINES; CORRECTIONS; PRISONERS; PRISONS; WOMEN
Jurisdiction: AUSTRALIA; New South Wales

Abstract: Problems with throughcare approach for women - generalised approaches based on male experiences of prison - desistance - post-release policy and program development - Women in Prison Advocacy Network (WIPAN) - needs of Aboriginal women with dependent children.**ISSN:** 1034-5329
Text: <http://search.informit.com.au.ezproxy2.library.usyd.edu.au/fullText;res=AGISPT;dn=20111314>

Title: What happens when my mum gets out of prison and we've got nowhere to live?
Personal Author: Dutreix, Cecile
Author Affiliation: Offenders Aid and Rehabilitation Services of SA Inc., 234 Sturt Street, Adelaide SA 5000
Source: Parity; Vol. 21, Issue: 9; Oct 2008: 25-26
Subject(s): Offenders; Family; Children; At risk groups; Homeless; Accommodation; Recidivism; Prevention
Subject (Geographic Name): South Australia

Abstract: The risk of homelessness affects not only offenders on their release from prison but also any children returned to their care. The accommodation options for these families are limited. This article discusses the difficulties faced by released prisoners who are also caring for children, including the catch-22 of being ineligible for family accommodation until you have children in your care, but not regaining care of your children until you can offer a stable home environment. Homelessness can prompt re-offending. There are also dangers, for women ex-prisoners in particular, of resuming an abusive relationship in order to provide their children with a home. The article briefly describes two South Australian accommodation programs available to women released from prison who have children in their care: Centacare, and the Women Exiting Prison Program (WEPP).**ISSN:** 1032-6170

3a. Post incarceration issues: indigenous prisoners

Title: Home safely : Aboriginal women post-prison and their children
Author(s): Baldry, Eileen
Source: Indigenous law bulletin; Vol. 7, Issue: 15; Nov/Dec 2009: 14-17
Journal Title: Indigenous law bulletin

Subject(s): Aboriginal women; Released prisoners; Pre release programs; Recidivism causes
Subject (Geographic Name): New South Wales

Abstract: Imprisonment rates of Aboriginal women have been rising nationwide for the last 20 years. It has been found that after their release they are the least likely of all groups to find appropriate housing and support services, especially if they have dependent children. It has also been shown that they return to prison faster and a higher rate than others. This article discusses research showing the gap between the needs of Aboriginal women leaving prison in NSW and the availability of services to address those needs. The shortfalls have been found in the services and support needed from prison entry to long after release. The research points to the need for a flexible continuum of support services and programs that are tailored to Aboriginal women and children to reflect their real and current circumstances. **ISSN:** 1328-5475

Title: Mother seeking safe home: Aboriginal women post-release

Author(s): Baldry, Eileen; McCausland, Ruth

Source: Current issues in criminal justice; Vol. 21, Issue: 2; Nov 2009: 288-301

Subject(s): Aboriginal female prisoners; Aboriginal women; Post release housing Welfare services

Subject (Geographic Name): Australia ; New South Wales

Abstract: The NSW Government has recently announced the establishment of a number of accommodation and reintegration services for offenders leaving prison and for others subject to non-custodial or parole orders. This shift recognises the established importance of post-release accommodation and individual case management for ex-prisoners as important steps towards addressing the high rates of re-incarceration of people in NSW. However, this latest measure does not sufficiently respond to the specific issues facing Aboriginal women, who are experiencing the fastest rate of increase of all groups of prisoners across Australia. Aboriginal women have higher rates of return to prison, higher rates of social and physical disadvantage, and higher numbers of dependent children than their non-Aboriginal counterparts. Their specific experiences of intersectional discrimination on the grounds of their race and gender remain largely invisible to policy makers. This article draws on the principles of decolonisation, human rights and social justice alongside relevant research on post-release services and support to propose the development of an Aboriginal-women specific transitional model to assist in redressing the cycle of reincarceration for Aboriginal women in NSW.

ISSN: 1034-5329

Title: Housing and social support needs of Aboriginal women with dependent children leaving prison

Author(s): Baldry, Eileen; Ruddock, Jackie; Taylor, Jo

Source: Parity; Vol. 21, Issue: 4; May 2008: 17

Subject(s): Aboriginal female prisoners; Release from prison; Released prisoners; Post release programs; Post release housing; Social support; Children of prisoners; Homelessness

Subject (Geographic Name): Western Sydney; New South Wales

Abstract: The transitional and post release housing and related social needs of Aboriginal women with dependent children who are exiting prison have been identified as key aspects in their re-entry and successful resettlement. A needs analysis by Homelessness NSW for The Western Sydney Strategic Plan Against Homelessness was undertaken as the first phase of a project to develop a service model addressing these needs. Previous research had identified these women as having very high rates of homelessness and unmet social support needs. This is the first reported research in Australia on an Aboriginal women specific transitional and post-release housing model addressing these needs. This paper reports on this phase of the project which sought to understand these women's needs and identify appropriate services available and service gaps in the Western Sydney area, in order to inform a supported housing project.

Local Leave Permits enabling individual women with children to serve their sentences in the community have been an option for prisoners in New South Wales since the 1980s. They were established after the closure of the Mothers and Babies Unit at Mulawa which operated between 1979 and 1981 for women offenders and their pre-school aged children. The Unit was closed on Christmas Eve 1981 by the then Minister for Corrective Services, Rex Jackson, following his visit to the correctional centre. Seeing children leaning through bars disturbed the Minister who felt that prison was an unsuitable environment for children. To address the issue of the best interests of the children emphasis turned to alternatives to custody and a specific Local Leave Permit was established.

In 1986 the state labour government amended the *Prisons Act 1952* to enable the Corrective Services Commissioner to grant permission for individual inmates to be absent from a correctional centre for specified periods. Absences were for a number of purposes including week end leave, education and training, and care of children. The *Prisons (Amendment) Act 1986* expanded the relevant Section 29 to include the option for women to serve sentences with their child/children in an appropriate environment as determined by the Corrective Services Commission. See Attachment 1: *Section 29 (Absence from prison in certain circumstances permitted)*. The Crown Solicitor had advised that the existing Section 29 did not cover certain types of absences and as a result the amendment added 29(2)(c) referring specifically to women with children.

The 1986 amendment Second Reading Speech refers specifically to the use of Local Leave Permits for women who give birth in custody. On the birth of their children women were transferred from custody to full-time accommodation in a half-way house or rehabilitation centre. See Attachment 2. These were the Ruby Rich Half Way House at Ashfield, Kamira Farm Drug Rehabilitation Centre at Wyong and Westmount Drug Rehabilitation Centre at Katoomba. Ruby Rich Half Way House and Kamira received funding through the Corrective Services Community Funding Scheme. All three have since closed.

Women with existing drug issues were not excluded from the program and participated in residential rehabilitation programs while caring for their babies in a supportive environment. The well-being of the children through establishing and maintaining maternal bonds was the important factor. Alcohol and other drug issues were addressed through placement of women in rehabilitation centres that were for new mothers.

No change with change of government

With the change of government in March 1988 came the opportunity to overturn the amendment and restrict leave permits for prisoners including women in the community under Section 29(2)(c). This did not occur and the Section remained in force.

The legislation was again changed in 1999 with the proscription of the *Crimes (Administration of Sentences) Act 1999* in which Section 26(2)(l) replaced Section 29(2)(c). The difference between S29 and S26 was the removal of reference to time frames and the Commissioner's role in directly determining an appropriate environment. See Attachment 2: *Crimes (Administration of Sentences) Act 1999 Section 26*.

Current situation

Use of Section 26(2)(l) has declined over the past ten years. Although there are women who have given birth while in custody and/or have custody of young children no women have served their sentences in the community under Section 26 since 2002. OIMS data indicate that numbers of female offenders who were released on completion of S29/S26 orders supervised by Community Offender Services peaked in 1994 when fifteen women cared for their children in the community under Section 26. See Attachment 3: Women on Section 26(2)(l). The legislation has remained in force since 1986 with minor change to the text in 1999 but no change to the intent.