



# LOCAL GENDER BIAS *and* GENDER FAIRNESS COMMITTEES

*Annual Reports  
2020–2021*



**NEW YORK STATE**  
Unified Court System

NEW YORK STATE JUDICIAL COMMITTEE ON WOMEN IN THE COURTS  
HON. BETTY WEINBERG ELLERIN, CHAIR

# ANNUAL REPORTS

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## LOCAL GENDER BIAS AND GENDER FAIRNESS COMMITTEES • 2020-2021

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Chairs of Local Gender Bias  
and Gender Fairness Committees

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# Chairs of Local Gender Bias and Gender Fairness Committees

## Courts Outside New York City

### **Third Judicial District Gender Fairness Committee**

**Hon. Rachel L. Kretser, Chair**  
Albany City Court (Ret.)  
RLK1ATT@yahoo.com

**John Caher, Vice Chair**  
Senior Advisor for Strategic Communication  
Office of Court Administration  
518-453-8669  
JCaher@nycourts.gov

### **Fourth Judicial District Gender Fairness Committee**

**Hon. Tatiana Coffinger, Chair**  
Hamilton County Multi-Bench Court  
139 Birch Lane, P O Box 780  
Indian Lake, NY 12842  
518-648-5966  
TCoffing@nycourts.gov

### **Fifth Judicial District Committee**

**Hon. Deborah Karalunas, Chair**  
Supreme Court Onondaga County Courthouse  
401 Montgomery Street, Rm 401  
Syracuse, NY 13202  
315-671-1106  
DKaralun@nycourts.gov

### **Sixth Judicial District Committee**

**Hon. Julie A. Campbell, Chair**  
Cortland County Supreme and County Court  
46 Greenbush Street, STE 301  
Cortland, NY 13045  
607-218-3343  
JACampbe@nycourts.gov

### **Seventh Judicial District Committee**

**Hon. Teresa Johnson, Chair**  
Rochester City Court  
Hall of Justice  
99 Exchange Blvd.  
Rochester, NY 14614  
585-428-1904  
TJohnson@nycourts.gov

### **Mary A. Aufleger, Chair**

Deputy District Executive  
Seventh Judicial District  
Hall of Justice  
99 Exchange Blvd.  
Rochester, New York 14614  
585-371-3436  
MAuflege@nycourts.gov

### **Eighth Judicial District Gender & Racial Fairness Committee**

**Hon. E. Jeannette Ogden, Chair**  
Erie County Supreme Court  
50 Delaware Avenue  
Buffalo, NY 14202  
716-845-2796  
EOgden@nycourts.gov

### **Ninth Judicial District Committee to Promote Gender Fairness in the Courts**

**Hon. Terry Jane Ruderman, Chair**  
Supreme Court  
111 Dr. Martin Luther King, Jr. Blvd.  
White Plains, NY 10601  
914-824-5790  
TRuderma@nycourts.gov

### **Nassau County Judicial Committee on Women in the Courts**

**Hon. Sharon Gianelli, Chair**  
Nassau County Supreme Court  
100 Supreme Court Drive  
Mineola, NY 11501  
516-493-3286  
SGianel@nycourts.gov

### **Suffolk County Women in the Courts Committee**

**Mary Porter**  
Court Attorney Referee  
John P. Cohalan Jr. Courthouse  
400 Carleton Avenue  
Central Islip, NY 11722  
631-208-5610  
MPorter@nycourts.gov

### **Sheryl Randazzo, Esq.**

464 New York Avenue #100  
Huntington, NY 11743  
Sheryl@randazzolaw.com

## Courts Within New York City

### **NYC Family Court Committees**

#### **Bronx County**

**Hon. Karen M. C. Cortes**  
Bronx Family Court  
900 Sheridan Ave.  
Bronx, NY 10451  
718-618-2259  
KCortes@nycourts.gov

#### **New York County**

**Hon. Emily Olshansky**  
NY County Family Court  
60 Lafayette Street  
New York, NY 10016  
646-386-5118  
EOlshans@nycourts.gov

#### **Kings County**

##### **Vacant**

Kings County Family Court  
330 Jay Street  
Brooklyn, NY 11201

#### **Queens County**

**Hon. Elizabeth Fassler, Chair**  
Queens Family Court  
151-20 Jamaica Ave.  
Jamaica, NY 11432  
EFassler@nycourts.gov

#### **Richmond County**

**Hon. Karen B. Wolff**  
Richmond County Family Court  
100 Richmond Terrace  
Staten Island, NY 10301  
718-675-8870  
KWolff@nycourts.gov

### **Bronx County Committees**

#### **Gender Fairness Committee of the Twelfth Judicial District, Supreme Court Committee**

**Hon. Bahaati E. Pitt, Chair**  
265 E. 161st Street RM 846  
Bronx, NY 10451  
718-618-1188  
BEPitt@nycourts.gov

#### **Bronx County Civil Court Committee**

**Hon. Elizabeth Taylor, Co-Chair**  
Bronx County Civil Court  
851 Grand Concourse  
Bronx, NY 10451  
718-618-2548  
ETaylor@nycourts.gov

#### **Hon. Eddie J. McShan, Co-Chair**

Bronx County Civil Court  
851 Grand Concourse  
Bronx, NY 10451  
718-618-2540  
EMcShan@nycourts.gov

## **New York County Committees**

### **Gender Fairness Committee, New York County, Supreme Court, Civil Branch**

**Hon. Deborah Kaplan**  
Supreme Court  
60 Centre Street  
New York, NY 10007  
646-386-5567  
DKaplan@nycourts.gov

**Gregory Testa, Esq.**  
Supreme Court Law Dept.  
60 Centre Street  
New York, NY 10007  
646-386-3617  
GTesta@nycourts.gov

### **New York County Civil Court Committee**

**Hon. Leticia Ramirez**  
111 Centre Street  
New York, NY 10013  
646-386-3173  
LRamirez@nycourts.gov

### **Gender Bias Committee, New York County, Supreme Court, Criminal Term**

**Hon. Erika Edwards**  
Supreme Court  
100 Centre Street  
New York, NY 10013  
646-386-4411  
EEdwards@nycourts.gov

**Lisa M. White-Tingling**  
Supreme Court  
100 Centre Street  
New York, NY 10013  
646-386-4163  
LWhite@nycourts.gov

### **New York County Criminal Court Committee**

**Hon. Charlotte Davidson, Co-Chair**  
CHDavids@nycourts.gov

**Hon. Ilana Marcus, Co-Chair**  
100 Centre Street  
New York, NY 10013  
IMarcus@nycourts.gov

## **Kings County Committees**

### **Kings County Gender Fairness Committee**

**Hon. Miriam Cyrulnik**  
Kings County Supreme Court, Criminal  
320 Jay Street  
Brooklyn, NY 11201  
347-296-1536  
MCyrulni@nycourts.gov

### **Kings County Civil Court Committee**

**Hon. Consuelo Mallafré Melendez**  
Kings County Civil Court  
141 Livingston Street  
Brooklyn, NY 11201  
347-404-9163  
CMallafr@nycourts.gov

### **Kings County Criminal Court Committee**

**Hon. Abena Darkeh**  
Criminal Court  
120 Schermerhorn Street  
Brooklyn, NY 11201  
347-404-9849  
ADarkeh@nycourts.gov

## **Queens County Committees**

### **Queens County Committee**

**Hon. Marguerite A. Grays  
Co-Chair**  
Supreme Court  
88-11 Sutphin Blvd.  
Jamaica, NY 11435  
718-298-1212  
MGrays@nycourts.gov

**Hon. Marcia Hirsch, Co-Chair**  
Queens Supreme Court  
125-01 Queens Blvd.  
Kew Gardens, NY 11415  
718-298-1435  
MHirsch@nycourts.gov

**Hon. Gia Morris, Co-Chair**  
125-01 Queens Blvd.  
Kew Gardens, NY 11415  
718-298-0852  
GMorris@nycourts.gov

**Hon. Sally Unger, Co-Chair**  
89-17 Sutphin Blvd.  
Jamaica, New York 11435  
718-262-7373  
SUnger@nycourts.gov

## **Staten Island Committee**

### **Hon. Barbara I. Panepinto Co-Chair**

Supreme Court  
18 Richmond Terrace  
Staten Island, NY 10301  
718-876-6424  
BPanepin@nycourts.gov

### **Hon. Karen B. Wolff, Co-Chair**

Richmond County Family Court  
100 Richmond Terrace  
Staten Island, NY 10301  
718-675-8870  
KWolff@nycourts.gov

Third Judicial District Gender Fairness Committee

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*Hon. Rachel L. Kretser, Chair and John Caher, Vice Chair*

### **Third Judicial District Gender Fairness Committee**

Hon Rachel Kretser (Ret.), Chair and John Caher, Vice Chair

**Members:** Hon. Rachel Kretser, Ret., John Caher, Hon. Andra Ackerman, Pattie Beeler, Virginia Benedict, Hon. Christopher Cahill, Hon. Andrew Ceresia, Karen DeBenedetto, Beth Diebel, Hon. Mary Pat Donnelly, Hon. Lisa Fisher, Lisa Frisch, Hon. Helena Heath, Edward Kaplan, Hon. Jill Kehn, Karen Linen, Joanne Macri, Chris McMurray, Rika Murray, Hon. John Reilly, Michelle Pollack Rich, Sarah Rogerson, F. Christian Spies, Matthew Side, Hon. Leslie Stein, Hon. Margaret T. Walsh, Mishka Woodley.

**Counties served:** Albany, Columbia, Greene, Rensselaer, Schoharie, Sullivan, and Ulster

#### **2020 Meetings**

**Meeting Dates:** 1/16, 5/14, 9/3. There were also periodic subcommittee meetings and phone conferences throughout the year.

**Average Attendance:** 12

**Do you use Videoconferencing?** Yes

**How did COVID-19 impact your meetings and special events?**

Two of our meetings were virtual and one of our programs was conducted remotely. That said, our program in June on Girls and Girls of Color in the Criminal Justice System was wildly successful, with over 300 attendees, including 40 judges. The topic was compelling, and the presenters were exceptional. The ease of attending from any venue seemed to dramatically boost attendance and, going forward, we will consider this option even after the pandemic.

#### **2020 Special Events**

**Activities for Women's History Awareness Month**

For the past several years, the Third JD Gender Fairness Committee has conducted a continuing oral history project with pioneering women attorneys and judge. A film on pioneering women judges in the district is re-released on social media each March.

**Activities for Domestic Violence Awareness Month**

CLE on Oct.28: Domestic Violence Trends in the Context of Bail Reform and the COVID-19 Pandemic

**Other Special Events or Activities**

The Committee is working with the Administrative Judge on an initiative that would encourage trial judges throughout the district to provide more opportunities for younger and female associates to present argument.

**How were your special events advertised or marketed?**

Email, Flyer, and Social Media

Who and how many attended?

Judges, attorneys, legal scholars, law students, general public. Our programs this year attracted several hundred people and resulted in glowing endorsements on the subsequent CLE surveys

Was there any press before or after? No

### **Future Plans**

Meetings dates for planned or projected events for 2021:

We plan to hold three to four meetings, as always, plus several meetings of subcommittees. The first meeting of the year of the full committee will be held virtually on Jan. 14.

Special Events & Educational Programs

Women's History Month and Domestic Awareness Month: Topics will be discussed at the Jan. 14 meeting, but we are committed to a minimum of two CLE programs in 2021.

How did COVID - 19 impact women and gender fairness in the courts in 2020?

This issue explored in depth at our October CLE on DV Trends in the Context of Bail Reform and the COVID-19 Pandemic. The pandemic created considerable hardships, as evidenced in the spike in DV cases in the district, the shortage of shelter beds, the limited ability of victims to find sanctuary at the home of a friend or relative, the strain of an already-strained relationship when the parties were essentially confined together, etc. The full impact and ramifications are unclear, but the Committee will continue to monitor and report on the ongoing impact of COVID.

What issues regarding women and gender in the courts do you think are important in 2021?

Although the bail reform measure was slightly amended, the discretion of judges to determine whether an accused batterer can safely be released, and under what conditions, remains severely restricted. This is a grave concern of the Committee.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? Yes.

The availability of Children's Centers. The committee voted unanimously to explore and encourage the use of therapy dogs in Family Court and potentially other courts as needed.

The pandemic raises new access to justice issues that must be explored. An additional concern with virtual hearings is there is no way to ensure that the abuser is not in the room, out of sight but monitoring and controlling the victim's responses.

Do you see unmet training needs? Yes. We remain concerned about the impact of criminal justice reforms in cases involving violence against women.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse? See above.

Areas of success during 2020 for your committee and/or in general regarding gender bias and gender fairness in the courts.



Both of our CLEs -- Girls of Color in the Criminal Justice System and DV Trends in the Context of Bail Reform and COVID -- could easily be replicated in other parts of the state.

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Bar Associations, Colleges, and Domestic Violence and Sexual Assault Organizations

## **Girls and Girls of Color in the Juvenile Justice System**

**A free 2.5-hour CLE program**

**April 17, 2020, 2-4:30 p.m.**

**Albany Law School**

Girls constitute the largest growing segment of the juvenile justice system and now account for nearly one-third of all juvenile arrests in the United States. Are girls in the juvenile justice system treated differently than similarly situated boys, and are girls of color treated much differently than white girls?

Girls of color are 2.7 times more likely than their white counterparts to be referred to the legal system, 20 percent more likely to be formally petitioned and 1.2 times more likely to be detained than white girls.

This 2.5 credit (pending) program, with diversity and ethics credit, is sponsored by the Gender Fairness Committee of the Third Judicial District and the NYS Permanent Commission on Justice for Children. It will feature:

- Hon. Karen K. Peters (Ret.), chair, NYS Permanent Judicial Commission on Justice for Children
- Hon. Rachel Kretser (Ret.), chair, Third JD Gender Fairness Committee
- Hon. Kathie E. Davidson, Administrative Judge, Ninth JD
- Hon. Lisa Fischer, Supreme Court Justice
- Dr. Shabnam Javdani, Assistant Professor of Applied Psychology at NYU
- McKenzie Berezin, Doctoral Fellow at NYU

Kristen Anne Conklin, Executive Director of the Permanent Judicial Commission on Justice for Children, will moderate a panel discussion.

Registration details to follow.

Co-sponsors to date: Albany County Bar Association, Albany Law School, Capital District Women's Bar Association, Center for Women in Government, The Legal Project, the National Association of Women Judges-New York Chapter, Women's Bar Association of New York, Women in Law Section of the New York State Bar Association, Women's Law Caucus at Albany Law School.

- I. **Welcoming Remarks (10 minutes – 2 pm – 2:10)**
  - Judge Kretser
  - Judge Breslin
  - Dean Ouellette
  
- II. **Overview (5 – 10 minutes — 2:10 p.m. – 2: 20 p.m.)**
  - Justice Peters: Defining the issue and the role of the Permanent Commission on Justice for Children
  
- III. **Panel Discussion I: The Problem (Moderated by Kristen Conklin 2:20 – 3:10 p.m.)**
  - Dr. Shabnam Javdani, assistant professor of applied psychology at NYU, and McKenzie Berezin, a second-year counseling psychology doctoral fellow at NYU, present data the disparate treatment of girls, particularly girls of color, in the juvenile justice system.
    - Girls constitute the largest growing segment of the juvenile justice system and now account for nearly one-third of all juvenile arrests in the United States. Disturbingly, girls in the juvenile justice system are treated differently than similarly situated boys, and girls of color are treated much differently than white girls.
    - Girls of color are 2.7 times more likely than their white counterparts to be referred to the legal system, 20 percent more likely to be formally petitioned and 1.2 times more likely to be detained than white girls.
  
- IV. **Panel Discussion II: The Response (Moderated by Kristen Conklin 3:10 p.m. to 4 p.m.)**
  - Justice Davidson discusses the “GRIP” court (Gender Responsive Initiatives and Partnerships)
  - Justice Fisher discusses observations from her court and the ways in which judges can address the issue.
  
- V. **Summation, questions and closing remarks: Judge Kretser (4-4:30 p.m.)**

## Presenter Biographies

### **McKenzie Berezin**

McKenzie Berezin is a second-year counseling psychology doctoral fellow at New York University. Her broad research interests involve understanding and reducing the multi-level impact of systemic inequity on youth, and the implementation and evaluation of collaborative, participatory, and multi-level programs with youth who are legal-system involved in order to enact systems change. As a graduate student researcher on the R.I.S.E. team, McKenzie supports the work of both local, state, and nation-wide efforts that seek to mobilize access to resources with legal-involved girls, and effectuate broader systems-level reform to reduce reliance on confining girls in collaboration with stakeholders.

### **Kristen Anne Conklin**

Kristen Anne Conklin, Esq., joined the New York State Permanent Judicial Commission on Justice for Children as its Executive Director in August, 2018. The Commission was established in 1988 to improve the lives and life chances of children involved with New York courts. The Commission is chaired by former Presiding Justice of the Appellate Division Third Department Karen K. Peters, and its members include judges, lawyers, advocates, physicians, legislators, and state and local officials.

Prior to joining the Commission, Ms. Conklin served as Investigative Counsel in the New York State Offices of the Inspector General, conducting investigations into fraud, waste and abuse in State government. Ms. Conklin has also served as a Special Assistant Attorney General in the Medicaid Fraud Control Unit of the New York State Office of the Attorney General, investigating and prosecuting fraud, waste, and abuse by providers in the New York State Medicaid program.

As a Senior Assistant District Attorney in the Office of the Rockland County District Attorney, Ms. Conklin worked in the Special Investigations Unit, and led the County-wide Community Prosecution Initiative, serving as the primary liaison to law enforcement, directing weekly CompStat sessions with local police departments, and implemented two youth-oriented programs, the High School Diversion and Intervention Program and the Youth and Police Initiative.

Prior to joining the Rockland County District Attorney's Office, Ms. Conklin served as an Assistant County Attorney for Westchester County, where she represented the Department of Social Services in the prosecution of child abuse and neglect cases in Family Court.

Ms. Conklin received her undergraduate degree from the College of the Holy Cross in Worcester, Massachusetts, and obtained her Juris Doctor from Pace University School of Law. She is admitted to the practice of law in both New York and Connecticut.

### **Hon. Kathie E. Davidson**

Hon. Kathie E. Davidson is the Administrative Judge of the Ninth Judicial District, which encompasses Dutchess, Orange, Putnam, Rockland and Westchester Counties. In 2018, Judge Davidson was elected a Justice of the Supreme Court of the State of New York. Previously, Judge Davidson, who was first elected a Family Court Judge in 2003, served as the Supervising Judge for the Family Courts of the 9th Judicial District.

The Judge serves as an active member of the Franklin H. Williams Judicial Commission which promotes racial and ethnic fairness in the courts, the New York State Permanent Judicial Commission on Justice for Children, the Commission on Parental Legal Representation, and the Committee on Families and the Law, in addition to holding membership in numerous professional and volunteer organizations.

Prior to 2004, Judge Davidson was a Deputy County Attorney with the Westchester County Law Department. Some of her accomplishments were the implementation of the Westchester County Laws §308, *The Minority and Women Owned Business Enterprise Law*. She was a member of the County's first delegation invited to receive training in Hate Crimes, at the Simon Wiesenthal Center Museum of Tolerance in Los Angeles, California. Judge Davidson was an attorney for the child with the Juvenile Rights Practice of the Legal Aid Society (formerly known as the Juvenile Rights Division of the Legal Aid Society) in Bronx County. She was an investigative attorney with the New York State Department of Education and private practitioner specializing in Family Law.

Judge Davidson earned her Bachelor of Arts degree at Simmons College in Boston, Massachusetts, and her Juris Doctor at Howard University School of Law in Washington, D.C. She is a member of the Howard University Alumni Association. Judge Davidson is the first woman to be appointed Administrative Judge in the Ninth Judicial District, and the first African American to be appointed Administrative Judge outside of New York City.

### **Hon. Lisa M. Fischer**

Hon. Lisa M. Fisher is a Supreme Court Justice in the 3rd Judicial District, which encompasses Albany, Rensselaer, Schoharie, Columbia, Greene, Ulster and Sullivan Counties. Judge Fisher was elected in 2014 and is Greene County's first woman Supreme Court Justice. Justice Fisher also presides over the Alternative Dispute Resolution program in Greene County and spearheading a personal injury ADR program in Ulster County.

Justice Fisher serves on several state and local professional organizations. Since 2015 she is the chairperson of the Greene County Jury Board and the Board of Trustees for the Emory A. Chase Memorial Law Library in Catskill, New York.

She has been a member of the 3rd Judicial District Gender Fairness committee since 2018.

In 2016, Presiding Justice Karen Peters of the 3rd Department Appellate Division, appointed Justice Fisher to the Appellate Division 3rd Department Attorney for the Child Advisory Panel. In November 2018 Justice Fisher developed and presented a CLE (6.5hour) "Opioid & Addiction Issues A-Z : What every AFC need to know" for the attorneys for the child in the Third Judicial District. Justice Fisher continues to serve on the advisory panel.

As a member of the National Association of Women Justices, she is a member of the Law School Outreach Committee since 2018 and annually presides over the Gabrielli National Family Law Competition at Albany Law School.

As a member of the Association of Justices of the Supreme Court State of New York, she serves as the Director for the 3rd Judicial District since 2018, and recently became an editor and co-author for the organizations Bench Book for Trial Judges-New York 2019 and 2020 editions.

Since 2014 she has been a member of Capital District Woman's Bar Association and has served on the nominations committee, as a delegate to the Woman's Bar Association for the State of New York since 2018, and as a member of the WBASNY Diversity and Judicial Committees.

A long-standing member of the Ulster County Bar Association and member of their Board of Directors since 2019, as well as speaker and moderator for bar events. She is also a standing member of the Greene County, Albany County, Italian American and New York State Bar Associations. She has also spoken at the Mastermind Mind Experience and Max Law Conferences.

Prior to being elected to the bench, she maintained a private general practice in Kingston, New York for twenty years while working part time as an Assistant Public Defender for the Ulster County Public Defender's Office in Family Court from 1995-1999; as a county attorney for the Ulster County Department of Social Services from 1999-2000; and as a court attorney for the Hon. Edward T. Feeney, Kingston City Court from 1999-2007; as member of the Attorney for the Child panel from 2008-2011; as full time Assistant Public Defender for the Ulster County Public Defender's Office from 2011-2014 and as member of the Ulster County Family Treatment Court team from 2012-2014; and member of the Ulster County Interagency on Domestic Violence from 2012-2014.

Justice Fisher and her husband, John, are the proud parents of three children and an adorable miniature Australian labradoodle, Patch.

### **Dr. Shabnam Javdani**

Dr. Shabnam Javdani is Assistant Professor of Applied Psychology at New York University. The overarching goal of her scholarship is to understand and reduce the development of inequality-related mental health and legal problems and study community and institutional responses to these complex challenges. Her research hopes to advance our understanding of people in context, and to identify meaningful individual- and ecological-level solutions, with a focus on promoting equality for underserved youth and families, girls, and gender-expansive individuals. She has published over 50 empirical papers and her work is currently supported by federal (e.g., National Institutes of Health) and private (e.g., NoVo Foundation) funding.

### **Hon. Rachel Kretser**

Judge Rachel Kretser was appointed to the Albany City Criminal Court in December 2005, and was elected to that position in November 2006, becoming the first woman ever to serve on a criminal court bench in the Third Judicial District. In 2016 she was appointed Acting County Court Judge for Domestic Violence matters. Since her retirement from the bench in January 2017, Judge Kretser has been an adjunct professor at Albany Law School and a Judicial Hearing Officer.

In early 2018, she was appointed by Presiding Justice E. Garry to the 3rd Dept. Appellate Division Civil Appeals Settlement Panel. Before her ascension to the bench, Judge Kretser was an Assistant Attorney General for more than twenty-five years, serving in the Litigation Bureau, as Deputy Bureau Chief of the Legislative Bureau, Bureau Chief of both the Albany Consumer Frauds Bureau and the Legal Education and Staff Development Bureau, and a member of the Attorney General's Executive Staff. Prior to joining the Attorney General's Office, Judge Kretser was associated with the Manhattan law firm of Weil, Gotshal & Manges.

Judge Kretser is active in numerous professional and community organizations. In 2016, she was elected to the Executive Committee of the National Conference of State Trial Judges. She also chairs the OCA Third Judicial District Gender Fairness Committee and serves on the NYSBA House of Delegates and the Center for Women in Government board of directors. She served as Vice President of the N.Y. Chapter of the National Association of Women Judges and President of the N.Y.S Association of City Court Judges. She also chaired the N.Y.S. Bar Association's Judicial Section and co-authored the 2014 NYSBA Judicial Diversity Report. From 2003-2009 she served as Vice President of the N.Y.S. Bar Association, representing the Third Judicial District. Judge Kretser is Past President of the Women's Bar Association of the State of New York (1995-1996) and Past President of the Capital District Women's Bar Association (1991-1992). She is a founding member of the CDWBA Legal Project and the Women's Bar Foundation, and is a Life Fellow of the NYS Bar Foundation. She also serves on the Honorary Boards of the Judges and Lawyers Breast Cancer Association and CDWBA Legal Project. Judge Kretser is a member of the Albany County Bar Association, the Lawyer-Pilots Bar Association and the Women Pilots Association. She is a

lifetime member of Hadassah, serves on the steering committee of the Brandeis Baruch Society and is a member of the United Jewish Federation of NENY.

Judge Kretser was appointed to a number of state and federal judicial screening panels and Office of Court Administration committees. In 1993, she was appointed by then Deputy Administrative Judge Joseph J. Traficanti, Jr. to the OCA Committee on City Courts, and was reappointed to that Committee in 2008 and 2013. In 1994, she was appointed to the Federal Bankruptcy Judge Merit Selection Panel by Jon O. Newman, former Chief Judge of the Second Circuit Court of Appeals. Judge Kretser was appointed by former NYS Court of Appeals Chief Judge Judith S. Kaye to the Third Department Judicial Screening Panel in 1996 and served on that committee for ten years. In 1997, she was appointed to the Third Judicial District Litigation Task Force by former Presiding Justice Anthony Cardona; and was appointed to the Northern District Magistrate Selection Committee in 2001 by Hon. Frederick Scullin, Jr., former Chief U.S. District Judge for the Northern District. In 2011, she was appointed by former Chief Judge Jonathan Lippman to the Judicial Institute on Professionalism in the Law.

Through her public service and volunteer activities, Judge Kretser has worked to provide increased access to legal services for victims of abuse and to expand education and services for breast cancer victims. In recognition of her dedication to the profession and to the community, she has received a number of prestigious awards including the Ruth Shapiro Memorial Award from the NYS Bar Association, the Marilyn Menge Award from the Women's Bar Association of the State of New York, the Woman of Excellence Award from the Albany-Colonie Chamber of Commerce, the Kate Stoneman Award from Albany Law School, the Distinguished Member Award from the Capital District Women's Bar Association, the Distinguished Service Award from the Attorney General's Office, and the Anthony Cardona Award from the Albany County Children's Center.

Judge Kretser is a licensed private pilot.

### **Hon. Karen K. Peters**

Hon. Karen K. Peters, Chair, Permanent Judicial Commission on Justice for Children, is the former Presiding Justice of New York's Appellate Division, Third Department. Following her graduation from New York University School of Law, Judge Peters began her legal career in private practice, later serving as an assistant district attorney in Dutchess County. She was counsel to the State Division of Alcoholism and Alcohol Abuse from 1979 to 1983, then named Director of the State Assembly Government Operations Committee. In 1983, she became the first woman elected to Ulster County's Family Court bench.

Judge Peters went on to break the glass ceiling again, becoming the first female elected to the State Supreme Court bench in New York's 28-county Third Judicial Department in 1992 (she was re-elected in 2006); and the first woman to be named Presiding Justice of New York's



Appellate Division, Third Department, in 2012. She retired as Presiding Justice in December 2017, upon reaching mandatory retirement age.

Among her professional and civic activities, Judge Peters was charged by Chief Judge DiFiore to lead a new commission that is examining the current state of mandated legal representation for parents in Family Court and determine how best to ensure the future delivery of quality, cost-effective parental representation. She also chairs the New York State Bar Association's Committee on the State Constitution, is a member of the New York State court system's Advisory Committee on Judicial Ethics and has been a member of the Permanent Commission on Justice for Children since January 2015.

Judge Peters is the recipient of numerous honors, including the Howard A. Levine Award for Excellence in Juvenile Justice and Child Welfare, the Betty Weinberg Ellerin Mentoring Award, and the Center for Women in Government and Civil Society's Public Service Leadership Award.

# Girls Face Disparate Treatment in Juvenile Justice System

Girls of color are 2.7 times more likely than their white counterparts to be referred to the legal system, 20 percent more likely to be formally petitioned and 1.2 times more likely to be detained than white girls.

By **Kathie E. Davidson and Karen K. Peters** | August 09, 2019 at 12:53 PM



Girls constitute the largest growing segment of the juvenile justice system and now account for nearly one-third of all juvenile arrests in the United States. Disturbingly, girls in the juvenile justice system are treated differently than

similarly situated boys, and girls of color are treated much differently than white girls.

The raw statistics that are beginning to emerge come as little surprise to those of us who have witnessed the disparate treatment of girls in general and girls of color in particular. The data mirror what we have suspected anecdotally and witnessed empirically for some time. Still, the facts are jarring, even for those of us “in the know:”

In 1980, girls accounted for roughly 11 percent of youth in the juvenile justice system nationally; now, the number is around 30 percent.

Girls of color are far more likely than white girls to be pushed out of the educational system and pushed into the juvenile legal system.

Girls of color are 2.7 times more likely than their white counterparts to be referred to the legal system, 20 percent more likely to be formally petitioned and 1.2 times more likely to be detained than white girls.

Once in the legal system, girls of color are much more likely to become deeply involved in the system—so confinement has greater long-term consequences.

Girls of color are 2.5 times more likely to be disciplined for disobedience, three times more likely to be disciplined for serious disruptive behavior (such as fighting and bullying) and twice as likely to be disciplined in school settings for minor violations compared to white girls.

Girls are four times as likely as boys to suffer sexual abuse in the juvenile legal system, and nearly twice as likely to experience complex trauma.

Data specific to New York State are spotty, in part because a child’s race information is not yet systemically collected and accessible. But research by

Shabnam Javdani, PhD., an associate professor of applied psychology at New York University, clearly establishes that girls of color are grossly overrepresented in all processing points of the juvenile legal system and particularly likely to receive confinement.

Last October, the first gender-and-trauma-responsive court continuum in the state was launched in Westchester County after a three-year effort and partnership including the courts, the New York State Permanent Judicial Commission on Justice for Children and several community-based organizations.

The “GRIP” (Gender Responsive Initiatives and Partnerships) Court is a dispositional court whose mission is to “promote healing and provide opportunities, justice and support that improve outcomes for girls, in particular for girls of color who are at risk or involved in the juvenile justice system.”

It pursues that mission by assigning sensitized judges who are eager to approach these cases holistically by including all the various stakeholders—the presentment agency, the attorney for the child, the probation department, social workers—and attempting to drill down, figure out what is going on in this girl’s life and understand how her different experiences and different background may require a different form of intervention to achieve the goal of enabling this child to become all that she wants to be and can be.

In the brief time the GRIP Court has been operating, we have seen a dramatic change in the girls. They are establishing trusting relationships with everyone on the team, from the judge to the court officer, and beginning to understand that we all care and we all have a stake in their success. Although this initiative remains quite new, it shows considerable promise, and we are hopeful that other regions will embrace a similar approach and deal head-on

with twin demons of disparate treatment and disparate outcomes that we routinely see with girls in the juvenile legal system.

*Kathie E. Davidson is the administrative judge for the Ninth Judicial District.  
Karen K. Peters, the retired presiding justice of the Appellate Division, Third Department, chairs the New York State Permanent Judicial Commission on Justice for Children.*

## GIRLS AND GIRLS OF COLOR IN THE CRIMINAL JUSTICE SYSTEM

By: Hon. Rachel Kretser (Ret.), Chair, 3rd Judicial District Gender Fairness Committee

In 1980, girls constituted approximately 11 percent of children in the juvenile justice system. Four decades later, in 2020, that percentage has tripled. Girls now account for almost one third of all juvenile arrests in the United States. Equally significant is the fact that girls of color are 2.7 times more likely than their white counterparts to be referred to the juvenile justice system and 1.2 times more likely to be detained than white girls. Those startling statistics prompted the OCA 3rd Judicial District Gender Fairness Committee and its primary co-sponsor, the Permanent Commission on Justice For Children, to produce a program entitled, "Girls and Girls of Color in the Criminal Justice System," which examines racial and gender disparities in the juvenile justice system and explores possible solutions.

On June 16, more than 300 judges and lawyers participated in a virtual CLE co-sponsored by Albany Law School, Albany County Bar Association, National Association of Women Judges, Women's Bar Association of the State of New York, Legal Project, National Conference of State Trial Judges, Women in the Law Section of NYSBA, the Center for Women in Government and the Capital District Women's Bar.

Panelists included Hon. Karen K. Peters, former Presiding Justice of the Third Department, Appellate Division and Chair of the Commission on Justice for Children; 9th Judicial District Administrative Judge Hon. Kathie

E. Davidson; Supreme Court Justice Hon. Lisa Fisher; NYU professor Dr. Shabnam Javdani and doctoral fellow McKenzie Berizin.

The program could not have been more timely. Recent events require us to face the harsh reality that we still do not live in an equitable world. There is a heightened awareness of the need to address racial injustice and gender inequality in all forms.

After an in-depth discussion of the problem, the program presented possible solutions, including an innovative approach utilized by a specialty court in Westchester known as the GRIP (Gender Responsive Initiatives and Partnerships) Court. There, sensitized judges assigned to the court take a holistic approach to these cases by including all the various stakeholders—the presentment agency, the probation department, the attorney for the child and social workers—to attempt to understand each girl's unique background and experiences with the goal of collaboratively determining the best form of intervention for that particular child. Although the specialty court has been in existence slightly less than a year, it is already showing promising results. The girls are learning to trust members of the team assigned to their case and to understand that everyone involved wants them to succeed.

Some participants in the CLE program expressed an interest in replicating the GRIP court in their regions and there was a sense



Hon. Rachel Kretser

of optimism that we are on the road to a better understanding of positive interventions that can address the disparities in justice experienced by girls and girls of color in the juvenile justice system. The program was recorded and is available on YouTube at <https://youtu.be/OWLUIoU2oSs>.



From L to R:  
Top row - Hon. Rachel Kretser, Hon. Karen Peters, Hon. Lisa Fisher  
Bottom row - Hon. Kathie Davidson, Kristin Conklin, Executive Director of Commission on Justice for Children, Prof. Shabnam Javdani

## Presenter Biographies

### **Hon. Andra Ackerman**

Judge Ackerman was elected Albany County Judge in 2019, the first woman elected to the position in the 300-plus year history of the county. Previously, she served as Cohoes City Judge for three years, and in that capacity started the United Against Crime-Community Action Network (U-CAN), the first court-based mentoring program in the state.

Prior to becoming a judge, she spent 10 years prosecuting special victim cases and served as Deputy Division Chief of the Special Victims Trial Division at the Monroe County District Attorney's Office, where she supervised 13 attorneys while handling her own caseload of child homicide and serial rape trials.

A former Director of the Office of Human Trafficking Prevention and Policy for the New York State Division of Criminal Justice Services, Judge Ackerman has taught at the National District Attorney's Association and the New York State Prosecutors Training Institute. She was a member of the New York State Children's Justice Task Force and a consultant to the New York State Child Advocacy Resource and Consultation Center.

Judge Ackerman, a member of the Third Judicial District Gender Fairness Committee, earned her J.D. degree from the University of Buffalo School of Law.

### **Jaya L. Connors**

Assistant Professor of Law Jaya Lakshmi Connors is the Director of Albany Law School's Family Violence Litigation Clinic, where she teaches and supervises second- and third-year law students who represent adult and child survivors of domestic violence in Family Court matters.

Prior to this position, she was the Deputy Director of the Appellate Division, Third Judicial Department's, Office of Attorneys for Children, where she assisted in the administration of the Attorney for Child Program and provided ongoing legal education to over 500 attorneys for children in the Third Department.

Professor Connors began her career as a Legal Services Attorney where, as a Supervising Attorney, she provided legal assistance to parenting, pregnant, and "at risk" minors. She was a former Clinical Instructor at Albany Law School's Domestic Violence Clinic, where she supervised students who represented incarcerated battered women in clemency, parole and CPL § 440.10 matters, seeking to vacate murder convictions of battered women who had killed their abusers.

Professor Connors was also in private practice for many years and is a former Legal Director of the Capital District Women's Bar Association's, The Legal Project. She is a recipient of the Reginald Heber Smith Fellowship Award.

## **Heather L. Dukes**

Ms. Dukes has practiced exclusively in the area of matrimonial and family law since 2006, and currently serves as the Senior Attorney for the Unity House Law Project in Troy, New York. During her time at Unity House, their law project has been hailed by federal regulators as one of the top domestic violence legal service programs in the nation. In 2018, the Unity House Law Project received the Roth Award from the Mary Byron Foundation for outstanding legal representation of victims of domestic violence. Ms. Dukes first became interested in serving domestic violence clients when she interned in the 1990's at one of the world's only police forces dedicated to crimes against women in Sao Paulo, Brazil. Ms. Dukes graduated Magna Cum Laude and Phi Beta Kappa from Union College in Schenectady, New York and received her Juris Doctorate from American University's Washington College of Law. Ms. Dukes also maintains a private family law practice, where she has successfully argued cases before the Third Department Appellate Division, and New York's Second and Third Judicial Departments. Ms. Dukes has guest lectured at Albany Law School, Russell Sage College, Mildred Elley College, and Hudson Valley Community College. Ms. Dukes has also represented hundreds of children in the past 10 years as an Attorney for Children in Rensselaer County Courts, New York.

## **Leah Feldman**

Leah Feldman is the Vice President for Community Programs of Family Services in Poughkeepsie. As a mission-driven and results-oriented executive leader, Leah is a visionary and transformative advocate for community thought leadership and social justice.

With more than ten years of hands-on non-profit leadership experience in human services, she thrives in engaging and coordinating key stakeholders internally and across the community. With a reputation of passion and unwavering dedication to her work, Leah builds collaborative and diverse teams to create and manage programs while facing complex problems in a variety of disciplines.

In her current role Leah oversees Youth Services, Family Programs, Victim Services, Prevention, and Community Safety Programs. She holds a master's degree in Public Administration from Marist College.

Leah holds a certificate in Leadership Coaching through the Leadership Practices Inventory, is a certified self-defense instructor, and is a co-founder of the Brave Project, an empowerment program for young girls.



### **Hon. Rachel Kretser**

Judge Rachel Kretser was appointed to the Albany City Criminal Court in December 2005, and was elected to that position in November 2006, becoming the first woman ever to serve on a criminal court bench in the Third Judicial District.

In 2016, she was appointed Acting County Court Judge for Domestic Violence matters. Since her retirement from the bench in January 2017, Judge Kretser has been an adjunct professor at Albany Law School and a Judicial Hearing Officer. In early 2018, she was appointed by Presiding Justice E. Garry to the 3rd Dept. Appellate Division Civil Appeals Settlement Panel. Before her ascension to the bench, Judge Kretser was an Assistant Attorney General for more than twenty-five years, serving in the Litigation Bureau, as Deputy Bureau Chief of the Legislative Bureau, Bureau Chief of both the Albany Consumer Frauds Bureau and the Legal Education and Staff Development Bureau, and a member of the Attorney General's Executive Staff. Prior to joining the Attorney General's Office, Judge Kretser was associated with the Manhattan law firm of Weil, Gotshal & Manges.

Judge Kretser is active in numerous professional and community organizations. In 2016, she was elected to the Executive Committee of the National Conference of State Trial Judges. She also chairs the OCA Third Judicial District Gender Fairness Committee and serves on the NYSBA House of Delegates and the Center for Women in Government board of directors. She served as Vice President of the N.Y. Chapter of the National Association of Women Judges and President of the N.Y.S Association of City Court Judges. She also chaired the N.Y.S. Bar Association's Judicial Section and co-authored the 2014 NYSBA Judicial Diversity Report. From 2003-2009 she served as Vice President of the N.Y.S. Bar Association, representing the Third Judicial District. Judge Kretser is Past President of the Women's Bar Association of the State of New York (1995-1996) and Past President of the Capital District Women's Bar Association (1991-1992). She is a founding member of the CDWBA Legal Project and the Women's Bar Foundation, and is a Life Fellow of the NYS Bar Foundation. She also serves on the Honorary Boards of the Judges and Lawyers Breast Cancer Association and CDWBA Legal Project. Judge Kretser is a member of the Albany County Bar Association and the Lawyer-Pilots Bar Association.

### **Hon. Richard Rivera**

Judge Richard Rivera is a graduate of Colgate University and Albany Law School. His legal career began as an associate counsel for an Albany law firm, representing litigants in local city and town courts, handling criminal matters, traffic violations and appeals. He later became staff counsel for the Albany Law School Family Violence Clinic.

In November 2014, Judge Rivera was elected to a 10-year term in Albany County Family Court. He presides over the Domestic Violence Part at the Albany County Family Court and the Family Court Youth Part, which was created pursuant to the Raise the Age legislation. Judge Rivera has been designated an Acting Supreme Court Justice for the 3rd Judicial District and was named as the first supervising judge for domestic violence courts and mentor courts in the district.

Judge Rivera is a member of the New York State Bar Association, Albany County Bar Association, the Capital District Black and Hispanic Bar Association, the Puerto Rican Bar Association, the Hispanic National Bar Association, the Latino Judges Association and the New York State Family Court Judges Association.

**Ellen C. Schell**

Ellen C. Schell is General Counsel for the NYS Office for the Prevention of Domestic Violence. Previously, she was Counsel to The Legal Project, in Albany, New York, and provided national training and technical assistance to civilian attorneys and advocates working with military-related survivors of intimate partner violence. From 2006 – 2009, Ellen was an Assistant District Attorney in Essex County, New York, where she had primary responsibility for prosecution of domestic violence, stalking, and sexual assault cases. Ellen was also Legal Director at The Legal Project from 2001 until 2006, providing civil legal services to survivors of sexual assault, and supervising other legal services provided by the organization. Ellen graduated from Albany Law School magna cum laude in 1993. Prior to law school, she worked in organizations providing direct assistance to survivors of sexual assault and domestic violence.

Fourth Judicial District Gender Fairness Committee

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*Hon. Tatiana Coffinger, Chair*

## **Fourth Judicial District Committee on Women in the Courts**

Hon. Tatiana N. Coffinger, Chair

Members: Hon. Polly Hoyer, Fulton County Judge; Nicole Duve, Court Attorney - St. Lawrence County; Kelcie Racino, Court Attorney-Referee - Schenectady County; Jessica Vinson, Private Attorney - Saratoga County

Counties served: Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, St. Lawrence, Saratoga, Schenectady, Warren, Washington

### **2020 Meetings**

Meeting Dates: No in person meetings; telephone conferences as needed

Average Attendance: 2

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

Our committee membership changed dramatically, and meetings consisted of phone calls regarding the reinvigoration of the committee.

### **2020 Special Events**

Activities for Women's History Awareness Month

Elizabeth Cady Stanton Association (Fulton Co) - "Empowering Women Suffrage Centennial" - 3/28/2020 (cancelled due to COVID19); Bike Race -rescheduled to 2021 due to COVID-19

Activities for Domestic Violence Awareness Month

- Renewal House (St. Lawrence Co) Annual Dinner [cancelled due to COVID-19]
- YWCA of Northeastern NY (Schenectady Co) \*\*Panel Discussion - "Exposure to Abuse" 10/1/2020 \*\*
- "Take Back the Night" 10/15/20 Claxton-Hepburn Medical Center (St. Lawrence Co) -Media campaign

Other Special Events or Activities

- Johnstown City (Fulton Co) Rally Against Abuse -9/12/2020
- Zonta Club of Glens Falls (Warren Co) -grant to create play area for children victims of domestic violence - 10/1/2020
- Elizabeth Cady Stanton Association (Fulton Co) - billboard campaign to encourage voting
- Wellspring (Saratoga Co) - Construction of new crisis and support center for victims of domestic violence and sexual abuse

How were your special events advertised or marketed?

Flyer, Newspaper, Local Media, Facebook

Who and how many attended? Varies depending on event

Was there any press before or after? Yes

### **Future Plans**

Meetings dates for planned or projected events for 2021:

Virtual meetings bi-monthly beginning in January

Special Events & Educational Programs

Will create or co-sponsor programs for Women's History Month, Domestic Violence Awareness Month, and Breast Cancer Awareness as well as work with local women/family groups to assess where needs are.

### **Concerns**

How did COVID - 19 impact women and gender fairness in the courts in 2020?

Most events were cancelled.

What issues regarding women and gender in the courts do you think are important in 2021?

Domestic Violence incidents rose during the pandemic and access to the courts via virtual methods inhibits some victims and helps others.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? Child Care Centers and Supervised Visitation. There are no childcare facilities in any of our courts, which disproportionately affects women litigants. There is a scarcity of organizations offering supervised visitation.

Do you see unmet training needs? Yes. Gender bias by the judiciary, service providers, attorneys.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse? None

### **Collaboration**

Have you joined with groups outside the courts for programs or projects?

Bar Associations, Domestic Violence Organizations, and women's groups including Elizabeth Cady Stanton, Zonta, and Soroptimists

Fifth Judicial District Gender Fairness Committee

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*Hon. Deborah Karalunas, Chair*

## **Fifth Judicial District Women in the Courts Committee**

Hon. Deborah H. Karalunas, Chair

Members: See attached list.

Counties served: Herkimer, Jefferson, Lewis, Oneida, Onondaga, Oswego

### **2020 Meetings**

Meeting Dates: None

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

Our activities were curtailed.

### **Future Plans**

Meetings dates for planned or projected events for 2021:

We are forming a committee with the Onondaga County Bar Association and the CNYWBA Chapter of WBASNY to review and implement the recommendations from the NYS Judicial Committee on Women in the Courts Gender Survey. We have had one meeting but will be holding additional meeting beginning in early January 2021.

Special Events & Educational Programs

To Be Determined

What issues regarding women and gender in the courts do you think are important in 2021?  
Courthouse Environment/Sexual Harassment; Implicit Bias as it affects Credibility and Court Interaction; Improvement of Courthouse Facilities to Better Accommodate Children; Supervised Visitation; OCA, Government and Judicial Appointments

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? Yes. Childcare Centers and Supervised Visitation

Do you see unmet training needs? Yes. Implicit Bias; Technology Training

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse? None

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes  
Bar Associations, Colleges, and Women in Medicine

**FIFTH JUDICIAL DISTRICT  
WOMEN IN THE COURTS COMMITTEE  
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Seventh Judicial District Gender Fairness Committee

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*Hon. Teresa Johnson and Mary Aufleger, Chairs*

## **Seventh Judicial District Gender Fairness Committee**

Hon. Teresa Johnson and Mary Aufleger, 7<sup>th</sup> JD Deputy District Executive, Co-Chairs

Members: See attached list.

Counties served: Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, Yates

### **2020 Meetings**

Meeting Dates: 2/26/20, 4/22/20, 6/24/20, 9/16/20, 10/26

Average Attendance: 10

Do you use Videoconferencing? Yes

How did COVID-19 impact your meetings and special events?

Our meetings were held virtually throughout this year. Initially, we were planning an in-person CLE Diversity program in October, which was put on hold due to COVID. We began planning a CCI webinar, Integrating Procedural Justice in Domestic Violence Cases. OCA offered many DV trainings including the Integrating Procedural Justice in DV program during COVID. We decided to wait until spring 2021 to offer a program that would be new to participants.

### **2020 Special Events**

Activities for Domestic Violence Awareness Month

Cancelled due to COVID.

Other Special Events or Activities

Limited ability during the pandemic. The 7th JD Briefly newsletter, highlights and raises awareness to the Committees work. Also, annual district events, Thanksgiving Food Drive, Winter coats, hats and mittens collection for the Monroe Hall of Justice Children's Center.

How were your special events advertised or marketed?

Email and Flyer

Was there any press before or after? No

### **Future Plans**

Meetings dates for planned or projected events for 2021:

February, March, April, June, August, October, December

Special Events & Educational Programs

Domestic Violence Awareness Month Program. Collaboration between 7JD Gender Fairness Committee and GRAWA (Rochester Women's Bar Association) co-sponsor a Webinar Spring 2021.

What issues regarding women and gender in the courts do you think are important in 2021?  
Equity, Bias and Diversity in the courts - both in urban and rural areas

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Lack of availability of Children's Centers, Supervised Visitation, and Breastfeeding Space:  
lack of Districtwide childcare centers and breastfeeding space presents challenges for litigants. Need for more safe supervised visitation agencies.

Do you see unmet training needs? Yes. Domestic violence, mental health, and trauma-informed practice.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Strategies for dealing with difficult people to diminish inappropriate behavior.

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Bar Associations and Colleges

**GENDER FAIRNESS COMMITTEE MEMBER ROSTER**

Revised 3/11/2020

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Eighth Judicial District Gender Fairness Committee

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*Hon. E. Jeannette Ogden, Chair*

## **Women in the Courts: Eighth Judicial District Gender and Racial Fairness Committee**

Hon. E. Jeannette Ogden, NYS Supreme Court Justice, Chair

Members: Aiello, Patricia; Baehre, Lisa; Bailey, Hon. Rose; Brignoni-Waliczek, Ana; Calvo-Torres, Hon. Betty; Carney, Hon. Mary; Christian, Shion; Davis-Leverette Sgt. Angie; DeLabio, Hon. Erin P; DiTullio, Hon. Sheila; Feaster, Shekuira; Feroletto, Hon. Paula; Filbert, Shannon; Foote-Beavers, Hon. Lenora; Hanlon, Grace; Hayden, Mary Louise; Heath, Brenda; Isenberg, Andrew; Kassman, Tracey; LoCurto, Kim; LoVallo, Hon. Sharon; Maichle, Danielle; Marren, Daniel; Maxwell-Barnes, Hon. Suzanne; Moore, Tasha; Ogden, Hon. E. Jeannette; Reid, Shawnette; Russell, Hon. Robert; Saunders, Stephanie; Wasielewski, Sharon, Webb, Erika, Weir-Schwanekamp, Sheila

Counties served: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming

### **2020 Meetings**

Meeting Dates: 1/22/20, 2/27/20, 10/08/20, 11/10/20

Average Attendance: 10 - 12

Do you use Videoconferencing? Yes

How did COVID-19 impact your meetings and special events?

Some of our planned lunch and learn programs were cancelled or rescheduled because of covid-19 and the resultant court closures. Others were conducted virtually, as were our meetings.

### **2020 Special Events**

Activities for Women's History Awareness Month

In recognition of the women's history awareness month, its theme "Valiant Women of the Vote", the Committee planned a Lunch & Learn Program featuring elected women leaders from all three branches of New York State Government who evidence the fruits of the struggle of the women's suffrage movement and continue to advance women's rights. Opening remarks were to be made virtually by Hon. Betty Ellerin, Chairwoman of the Women in the Courts and also a valiant woman of the vote. The onset of Covid-19 prevented us from having the program, so we disseminated the program flyer to press outlets in recognition of the women leaders. The program will be conducted in 2021.

Activities for Domestic Violence Awareness Month

On October 27, 2020 at 5:30 p.m. a virtual Town Hall entitled "Addressing Domestic Violence During the Covid-19 Pandemic" was held and moderated by the Hon. Lenora Foote-Beavers, Buffalo City Court Judge. Program included 11 guest speakers from the following organizations: Family Justice Center, Erie County Dept. of Social Services, 8<sup>th</sup> JD Project Coordinator for Domestic Violence, Erie County District Attorney's Office, International Institute of Buffalo, Community Services for Every1, Community Health Center of Buffalo, as well as the Administrative Judge of the 8<sup>th</sup> JD and the Supervising Judge of Buffalo City Courts. This program was well received and well attended.

## Other Special Events or Activities

### Food and Toiletry Drive:

On November 7, 2020 the Committee partnered with The Guardians Association of the NYS Court to participate in a Food and Toiletry Drive at the Delevan/Grider Community Center. More than 75 complete chicken dinners were donated to community residents and many non-perishable and toiletry items were collected for distribution.

### Family Works Program - Initiative for Children of Incarcerated Mothers

The Committee sponsored a virtual Lunch & Learn program on November 19, 2020 featuring the Osborne Association Family Works Program. The Senior Policy Manager for their New York State Initiative on Children of Incarcerated Parents presented information on a recently developed video visiting program which allows children to visit with their incarcerated parents by video in a supportive, child-friendly environment located within the community. The Program Coordinator provided a power point presentation that included valuable information on parenting programs for women re-entering the community from prison, information on how to petition the court on line to obtain visitation, statutory rights of women inmates to have access with their children and local video visitation programming for those incarcerated in the Albion Correctional Facility. A video tour of the FamilyWorks Buffalo facility and the visitation room within the Albion Correctional Prison was also included in the presentation. This program was very well received and attended by the Hon. Kevin M. Carter, Supervising Judge for all Family Courts in the 8<sup>th</sup> Judicial District, many of the Family and Supreme Court Judges assigned to matrimonial matter and members of the court staff.

### Book Drive - Women in Prison

In December, 2020 the Committee partnered with the National Association of Women Judges (NAWJ) NY Chapter's Women in Prison Committee on a program titled "Beyond the Bars" in which a book drive was held benefitting women in prison at the Albion Correctional and Taconic Correctional Facilities.

### Hispanic Heritage Month Celebration

In recognition of Hispanic Heritage Month, a virtual Lunch and Learn program was held on October 22, 2020. The Hon. Betty Calvo-Torres chaired the event. The program included the screening of "Exiled", a documentary that follows the story of two military veterans, both green card immigrants who were deported after honorably serving our country and are currently fighting to return to America. This was a powerful presentation which shed light on the human consequences of current U.S. immigration policies. It was held in conjunction with the Latino Judges Association and the Puerto Rican Hispanic Parade Committee of WNY. Approximately 65 people were in (virtual) attendance.

How were your special events advertised or marketed?

Email, Flyer, and Press Release. The Lt. Governor's press secretary circulated the flyer.

Who and how many attended: Attendance varied from 25 – 75 attendees

Was there any press before or after? Yes



## **Future Plans**

Meetings dates for planned or projected events for 2021:

We anticipate monthly meetings

### **Special Events & Educational Programs**

We plan to continue our dissemination of materials about anti-bias in the courts which includes the contact information if someone believes they have been victimized. We also plan to host the following Lunch and Learn Programs.

#### *Understanding Our Courts*

A Lunch and Learn Program entitled “Understanding Our Courts” is planned to discuss expectations of court staff and litigants, and to educate litigants about the Court Help Desk, DIY forms, the availability of civil legal services for the indigent, the Family Justice Center for victims of domestic violence, and understanding the Jury duty process.

Lunch and Learn Program on Mental Illness/Coping with Stress to education court staff and members of the legal community to recognize the effects of stress and symptoms of mental illness in themselves, others and in their interactions with the public and to suggest appropriate responses in the Court and in the workplace. It is anticipated that the program will be held in early Feb. 2021.

A Lunch and Learn Program encompassing recognition of the 2021 International Women's Day theme: “Women in Leadership: Achieving an Equal Future in a Covid-19 World.” We will discuss the survey and its results as well as proposed solutions in to be implemented following the pandemic.

A Lunch and Learn Panel presentation program in March 2021 in recognition of Women's History Month. The panelist will be Lt. Governor Kathy Hochul, Assembly Majority Leader Crystal Peoples-Stokes and Justice Paula Feroletto, who would each give 10-minute remarks about the importance and the impact of the women's right to vote. Justice Ellerin will deliver opening remarks, A representative from the Women's TAP Fund has been be invited to make remarks or to be given honorable mention.

#### *Women Prisoners Access Program*

A Lunch and Learn Program is planned for the week of April 27th, 2021 in which there will be a training session conducted by the Osborne Association's Family Works Buffalo program to enlighten Judges about issues that families face when women are in prison and/or re-entering the community from prison.

#### *Pride Month Program*

A Lunch and Learn Program is being planned in recognition of Pride Month that will focus on LGBTQ+ children in Foster Care. A professor from the University of Buffalo, Diane Ells, is the proposed speaker.

### *Lamplighter Plaque Program*

The Lamplighter Plaque Program will be held at the Delores Denman NYS Appellate Division, 4th Department Courthouse on June 16, 2021 where the names of the 2019 Lamplighter Award recipients will be added to the plaque containing our prior honorees.

GRFC members will tour the Niagara Falls Underground Railroad Heritage Center in July 2021.

Programs are being planned in recognition of Domestic Violence and Hispanic Heritage Months.

We also plan to periodically submit a column titled "Did You Know" in the 8<sup>th</sup> JD Newsletter.

### **Concerns**

How did COVID - 19 impact women and gender fairness in the courts in 2020?

Covid-19 negatively impacted women harder than men because women tend to earn less, have fewer savings, and less access to social supports. Women who are poor and marginalized face an even higher risk of Covid-19 transmission and fatalities, loss of livelihood, and increased violence. There are larger numbers of women health workers and first responders.

What issues regarding women and gender in the courts do you think are important in 2021?  
Technological needs of pro se litigants, particularly women.  
Mental Health and stress management programs for staff and litigants.  
Judicial training on the adverse impact of incarceration on children.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? Yes.

- Closed Child Care Centers due to Covid-19
- Supervised Visitation Centers operating on a limited basis or not at all.
- Breast feeding Space in Courts are closed.
- Technology issues ranging from a lack of understanding technical use, limited or lack of wifi

Do you see unmet training needs? No. We realize that existing training program requirements may not be met due to a shortage of resources. We plan to operate virtually for the immediate future and to design programs that can be conducted virtually.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

- How to use Microsoft Teams
- Managing Stress
- Work Life Balance
- Recognizing and Respecting Gender Differences

Areas of success during 2020 for your committee and/or in general regarding gender bias and gender fairness in the courts.

We successfully conducted a virtual program that created awareness of community facilities that enabled children and families to visit with incarcerated parents, as well as ways to recognize the adverse impact of incarceration on children and families.

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes.

Bar Association of Erie County, Minority Bar Association of Western New York, Cattaraugus Bar Association, Women Lawyers of Western NY, Women's Bar Association of WNY, State University of New York at Buffalo Law School, National Association of Women Judges (NY Chapter), International Institute, State University of New York at Buffalo Educational Opportunity Center, Puerto Rican and Hispanic Day Parade Committee of WNY, Latino Judges Association, Richard C. Failla Commission, 8<sup>th</sup> JD Diversity Steering Committee and the Franklin Williams Commission.

## WOMEN IN GOVERNMENT

The Eighth Judicial District Gender and Racial Fairness Committee is part of a standing Committee on Women in the Courts that works to secure equal justice, equal treatment and equal opportunity for women whose lives bring them into the courts through education, information and advocacy. The Committee created the Lamplighter Award that recognizes women who, through determination and personal achievement, have worked to eliminate gender and racial bias.

This year, the Committee recognizes the efforts of countless women and men who fought for the passage of the 19<sup>th</sup> Amendment of the U.S. Constitution, one hundred (100) years ago in 1920, which legally gave women the right to vote. Although the 19<sup>th</sup> Amendment guaranteed the right to vote for all women, white middle- and upper-class women were the primary beneficiaries of that guarantee. Native Americans didn't become citizens until four (4) years later in 1924; so native women didn't gain the right to vote and Jim Crow laws precluded women of color, as well as black men, from exercising their right to vote. The fight for equality for all women continued and it was not until the passage of the Civil Rights Act in 1964 (45 years later) and the Voting Rights Act in 1965 (46 years later) that all women were able to enjoy the 19<sup>th</sup> Amendment's guarantee of the right to vote.

Today, 100 years later and in spite of the efforts of some to curtail the right to vote, we proudly recognize three women from Western New York who influence all three branches of government: Hon. Kathy Hochul, Lt. Governor and President of the New York State Senate; Hon. Crystal Davis Peoples-Stokes, Majority Leader of the New York State Assembly and the Hon. Paula J. Feroletto, Administrative Judge of the Eighth Judicial District. We also recognized the Chair and Founder of the NYS Women in the Courts, the Hon. Betty Weinberg Ellerin. These women, through determination and personal achievement, work to eliminate gender and racial bias and to secure equal justice, equal treatment and equal opportunity to women and men whose lives bring them into the courts and communities of New York.



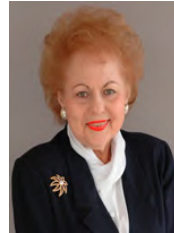
Hon. Kathy Hochul  
Lt. Governor



Hon. Crystal Peoples-Stokes  
NYS Assembly Majority Leader



Hon. Paula Feroletto  
Administrative Judge - 8<sup>th</sup> JD  
Supreme Court



Hon. Betty Weinberg Ellerin  
NYS Judicial Commission on  
Women in the Courts -Chair



Justice Ruth Bader Ginsburg  
U.S. Supreme Court

The Committee also joins the chorus of people from around the world in recognizing the life and legacy of the late US Supreme Court Justice Ruth Bader Ginsburg, who embodied the principals that the Committee embraces.

Please join us in acknowledging these women and the work that they do by exercising your right to vote on election day.

Justice E. Jeannette Ogden, Chair  
NYS Women in the Courts –  
8<sup>th</sup> JD Gender and Racial Fairness Committee



Honorable Lenora B. Foote-Beavers, Buffalo City Court Judge  
*Along with the*  
8th Judicial District Gender & Racial Fairness Committee

PRESENTS:

# A VIRTUAL DOMESTIC VIOLENCE TOWN HALL

## “Addressing Domestic Violence During the COVID-19 Pandemic”

Hosted By:  
Hon. Lenora B. Foote-Beavers  
Moderator

### Guest Speakers:

Hon. Paula L. Feroletto  
*Administrative Judge, 8th Judicial District*

Hon. Craig D. Hannah  
*Supervising Judge for City Courts*

Sheila Schwaneckamp, Esq.  
*8<sup>th</sup> Judicial District Project Coordinator for Domestic Violence Issues*

Commissioner Marie Cannon  
*Erie County Department of Social Services*

Dr. LaVonne Ansari  
*Community Health Center of Buffalo, Inc.*

Mary Travers Murphy  
*Family Justice Center*

Tiffany Pavone, JD  
*Community Services for Every1*

Judy Torres  
*Hispanics United of Buffalo*

Amy Fleischauer  
*International Institute of Buffalo*

Holly Tucker, Esq.  
*Erie County District Attorney's Office*

Monica Delmonte  
*Legal Aid Bureau of Buffalo*

**Tuesday, October 27, 2020  
5:30PM**

**RSVP Susan Vito, [svito@nycourts.gov](mailto:svito@nycourts.gov), 716.845.2623**

Click here to join the meeting: DV Town Hall



## Covid-19 and Domestic Violence - Remarks for Town Hall

Hon. Paula Feroletto

- New York State reported an increase of over 30% in the number of calls made to the state's hotline.
- Requests for orders of protection initially went down, possibly because people didn't realize the courts were open, and then spiked.
- Shelter occupancies initially went down, perhaps because people didn't know they remained open or were afraid of getting infected — and then increased considerably.
- Prior to the pandemic, a victim could perhaps escape to the home of a relative or friend, or even a hotel or motel. The pandemic limited those options.
- Abusers smashing victims' phones is an old story—but now it may be a different story as that phone may be the primary or sole lifeline for victims who were unable to run to a neighbor or relative or shelter.

This is what we are seeing and hearing statewide, most of it anecdotal. The full story of how COVID impacted domestic violence is yet to be told, and won't be told for some time. But we don't have the luxury of waiting to see how it plays out. We need to take action now, right now. And the court system has.

The courts never shut down and judges were ALWAYS available to issue an order of protection or whatever other measure was necessary.

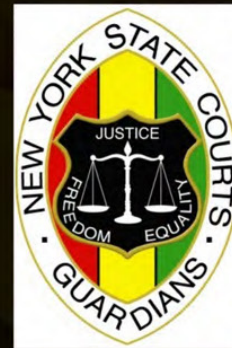
What we don't have a clear grasp of is the consequences of COVID on DV beyond conjecture or the extent of the new challenges that virtual courts raised for everyone in the process – the victim, the child, the attorneys, the attorneys for the child. We can surmise that access to justice issues that were present before anyone ever heard the word "COVID" have been exacerbated by the pandemic; not everyone has access to technology. We can surmise that traumatic relationships became more traumatic due to the pandemic stress and the sheltering in place. But this is a story that is still being written. We are very much learning as we go and adjusting on the spot.

And that's why I am so grateful to Judge Foote-Beavers for putting this program together. This evening we are going to hear from people who have viewed and dealt with this tragedy from many different perspectives. We'll get a view from the bench and the bar, from the defense and the prosecution, from the social service, health and advocacy perspective. And that is exactly what we need right now—a multidisciplinary discussion of what we can and should do now, and later, to save lives. Everyone speaking this afternoon comes at this from a different place, and I believe every single speaker — and every single attendee at this DV — is in for an eye-opening experience. So, let's get to it!

The Guardians Association of the New York State  
Courts  
presents

# Food & Toiletry Drive

**Delevan/Grider Community Center**  
877 E. Delevan Ave.  
Buffalo, NY 14215  
\*Drop off box available  
during normal business hours



**Contactless Drive-Thru Drop off**  
**November 7, 2020**  
**2:00pm-4:00pm**

**Items Needed:**  
**Non-Perishable Canned Goods**

**Toiletries:**  
**Soap, toothpaste/toothbrushes, deodorant**  
**to benefit the Delevan/Grider Community Center**

**FOR MORE INFORMATION CALL (716) 775-7261**

# TOY AND FOOD DRIVE

Making a Difference



Hon. E. Jeannette Ogden & Team



Sgt. Angie Davis-Leverette



Sorting Food



It Takes a Village





**We're the Village**





**THE GUARDIANS ASSOCIATION  
OF THE NEW YORK STATE COURTS, INC.**

SIDNEY MOSES  
**PRESIDENT**

KEVIN CARTER  
**1<sup>st</sup> VICE PRESIDENT**  
INTERIM

EUGENE JORDAN  
**TREASURER**

DANIELLE EZELL  
**SECRETARY**  
INTERIM

**FORMER BOARD  
PRESIDENTS  
ACKNOWLEDGEMENTS**

*ALBERT RICHMOND*

*RALPH D. MOORE*

*EUGENE JORDAN*

*GWENDOLYN FULLER*

*There can be no greater gift than that of giving one's time and energy to help others without expecting anything in return.*

*~ Nelson Mandela*

This year has presented many unprecedented events which has left many lives affected financially and emotionally. The Guardians Association of the New York State Courts remain dedicated to the people of the communities to which we live and serve. Through community outreach we hope to not only give a helping hand, but also bridge the gap between law enforcement and the public.

Stay Safe, healthy and Blessed!

***THE GUARDIANS OF NYSC***

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P.O. BOX 524021 ♦ BRONX, NEW YORK 10452

♦ [WWW.GUARDIANSNYSC.ORG](http://WWW.GUARDIANSNYSC.ORG) ☎ (917) 686-6562 ✉ [GUARDIANSNYSC@MSN.COM](mailto:GUARDIANSNYSC@MSN.COM)

The Guardians Association of the NYS Courts, Inc. is an affiliate of the following organizations:  
**THE GRAND COUNCIL OF GUARDIANS  
NATIONAL ASSOCIATION OF BLACK LAW ENFORCEMENT OFFICERS, INC.**

8th JD Gender and Racial  
Fairness Committee

# LUNCH & LEARN

The Osborne Association  FamilyWorks  
Buffalo

Thursday, Nov. 19, 2020  
12:15 p.m - 1:30 p.m.

via Microsoft Teams



Please join FamilyWorks Buffalo for an informative and educational meeting. Learn about education, training and support to help promote positive relationships and build connections between incarcerated parents and their children.

RSVP: [klocurto@nycourts.gov](mailto:klocurto@nycourts.gov)  
for link to join

## SEEING AND SUPPORTING CHILDREN WITH INCARCERATED PARENTS

**Dior Lindsey, LMSW**  
Program Coordinator  
FamilyWorks Buffalo, Osborne Association

**Allison Hollihan, LMHC**  
Senior Policy Manager  
NY Initiative for Children of Incarcerated Parents  
Osborne Center for Justice Across Generations



New York Initiative for

Children of Incarcerated Parents

*A special project of Osborne's Policy Center*



## Today's Discussion

- Overview of the impact of parental incarceration on children
- Learn strategies for supporting children's relationships with their incarcerated parents when it is in their best interests
- Learn about FamilyWorks Buffalo Programs
- Engaging incarcerated parents in planning
- Understanding exceptions to filing for Termination of Parental Rights when a parent is incarcerated

## Caveats

- We will not focus on parents convicted of crimes against children (this situation requires a much more nuanced discussion)
- We will not focus on immigration-related detention.
- We will not focus on incarcerated youth.
- Case by case assessment and determination of what is in children's best interests are of paramount importance in our discussion today.
- Today's discussion focuses on parents who have their parental rights.

## Growing Up in the Era of Mass Incarceration

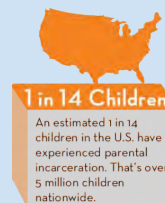
### Racial Disparity

- 1 in 9 African American children
- 1 in 28 Hispanic children
- 1 in 57 White children

Parental incarceration increases racial inequality in child well-being

### Invisible Population

Children are touched by many systems but no agency is responsible for identifying them or tracking outcomes



Source: The Pew Charitable Trusts: Pew Center on the States. *Collateral Costs: Incarceration's Effect on Economic Mobility*, Washington, DC, 2010; *Children of the Prison Boom: Mass Incarceration and the Future of American Inequality*. By Sara Wakefield and Christopher Wildeman. New York: Oxford University Press, 2013.

## Adverse Childhood Experience (ACE)

Separation from a parent is traumatic, elevating their risk of experiencing negative health and mental health outcomes:

- PTSD, depression, behavioral challenges, anxiety, developmental delays, & attention disorders
- Academic challenges, instability, homelessness, & poverty
- Migraines, asthma, obesity,



Risk factors are not predictive factors because of protective factors

-David Satcher, MD, former US Surgeon General

Source: ACE Studies, Center for Disease Control and Prevention; Parental Incarceration's Impact on Children's Health (2012), Osborne Association; Wildeman (2014), Parental Incarceration and Wellbeing, An Annotated Bibliography, retrieved at [http://ohiovalresearch.org/pr/files/2012/03/Annotated-bib-with-coverage\\_WEB-version.pdf](http://ohiovalresearch.org/pr/files/2012/03/Annotated-bib-with-coverage_WEB-version.pdf); Mass Incarceration and Children's Outcomes (2016), Economic Policy Institute.

## Children Of Incarcerated Parents Experience Stigma

Children say "...they feel ashamed because of our reactions. The body language and the words of teachers, coaches, social workers pastors and mentors, feels judgmental."

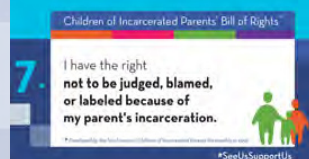
- Ann Adalst-Estrin, Director of NRCCFI remarks at the White House 2014



"When I was 15, I assumed I'd go to prison.... But as I got older I realized I could re-write that story. And I HAVE re-written that story." -F. Stokes, Hip Hop Artist

The majority of children of incarcerated parents do not become incarcerated

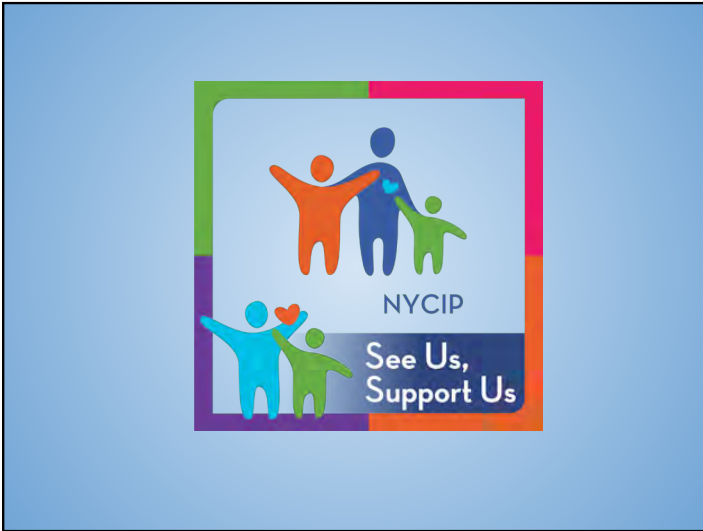
-Wakefield and Wildeman (2013), Conway and Jones (2016)



## Reducing Stigma

- We all hold biases, stereotypes, and attitudes about people and their circumstances
  - implicit bias: unconscious,
  - explicit bias: aware, intentional
- Assess your values and beliefs about the incarcerated and their families
- Actively take steps to counter implicit bias. First step is reflection and acknowledgement.





The Osborne Association  
Transforming Lives, Communities  
and the Criminal Justice System

## Peer Support is Empowering

### Visiting can be a Protective Factor

TRISTAN,  
5 YEARS OLD

CHRISTINA,  
8 YEARS OLD

### Assessing Visiting: What is in the best interest of the child

- History of abuse or neglect
- Visiting Orders/Orders of Protection
- Child's wishes—ask in a supportive nonjudgmental way
- Developmental level of child
- Prior relationship between parent and child
- Clinical considerations
- What supports does the incarcerated parent need—are supports available at the facility
- Transportation challenges
- Situations change—ongoing assessment is critical

"Agency and district caseworkers are to make suitable arrangements with a correctional facility...for the parent to visit with the child within the facility...unless such visiting would be harmful to the child."

Source: Chapter 113 of the Laws of 2010, signed into law on June 15th, 2010. See 11-OCFS-ADM-07, pg. 4



## Visiting Erie and Niagara County Jails



- Children must be accompanied by an adult
- Incarcerated Parents may NOT hold child and child must remain seated
- Brief hug and kiss at the beginning and end of visit
- It is critical to prepare children about what to expect during a visit
- Families can video visit from their homes for a fee.

## Video Visits supplement in-person visits

- Family Works Buffalo connects with 10 NYS prisons.
- Family Visits and Supported Visiting for Children at FWB office
- No cost



Osborne Association's Supported Video Visiting

The Osborne Association

## Children need support before, during and after visits

- Visits can be an emotional rollercoaster for children, parents, and foster parents
- Kinship foster parent considerations
- **Preparation and debriefing make ALL the difference:**
  - Security
  - Setting (non-contact vs. contact)
  - Rules



## Parents Face Barriers to Parenting



*"I didn't hear from my lawyer before the video hearing. I felt so unprepared. I didn't know what was going on."*

*"I felt invisible. I wasn't sure when I could talk. Then [the court hearing] was over. I never got to say anything."*

- Lawyers are advised to contact the Offender Rehabilitation Counselor to schedule a phone conference with the parent (x4000)
- Schedule **video** Family Court appearances, rather than teleconferences when in-person appearances are not possible
- Case planner can set up phone call for parent to participate in Family Team Conferences and Service Plan Reviews
- Parents don't always receive mail or are able to hold onto important papers
- Programming is limited and not readily available



## Determining Whether a TPR Filing Exception is Warranted

- Chapter 113 of the Laws of 2010 amended **New York Social Service Law, SSL § 384-b (3)(l)** to provide when a parent is incarcerated or in a residential substance abuse treatment program, agencies DO NOT have to file for TPR when the child is in care for 15 of the last 22 months if certain criteria are met. Or, **prior** incarceration or participation in a residential substance abuse treatment program was a **significant** factor for child being in care for 15 of the last 22 months.
- Chapter 113 amended **SSL §384-b(7)**, the definition of Permanent Neglect to require **Court to take into account the special circumstances facing incarcerated parents when determining permanent neglect**



**You don't have to stop being a parent while you are incarcerated.**

**Your parental rights**  
When a child is in foster care for an extended period of time, a social services or foster care agency can file a petition to terminate a parent's rights and has the right to file an application for custody. You have the right to be notified of parental rights under certain circumstances, such as when the child is being sent to a residential facility, when there is a compelling reason why termination is in the child's best interests, and when the parent is incarcerated in a residential substance abuse treatment program and is responsible for a pending role in the child's life. These rights are subject to a case-by-case basis, with a focus on the best interests of the child.

**If your child is in foster care, you have the right to:**

- Identify an appropriate person you would like to care for your child, such as a relative or friend.
- Be informed about the foster care agency responsible for your child's care, the name of your child's caseworker, and how to contact the caseworker and his/her supervisor.
- Know how to reach your family caseworker, and how to contact the caseworker if the person is different from your child's caseworker.
- Participate in planning for your child.
- Take advantage of services to help you address the issues that led to your child's placement in foster care (parenting classes, substance abuse treatment, etc.).
- Participate in meetings about your Family Service Plan, which should address the special challenges facing you and your family due to your incarceration.
- Receive information about family visiting and other services that can help you build a meaningful relationship with your child while you are incarcerated and after your release.
- Work with your child, unless a court order prohibits such, about visitation/visiting if in-person visits are not possible.
- Be kept up to date on your child's health, development, and progress at school.
- Be informed about court proceedings and attend them, if possible.
- Be assigned an attorney, if you are unable to engage.

**You have the responsibility to:**

- Make regular contact with your child and/or the foster care agency. Although this can be difficult while you are incarcerated, you are expected to make efforts to communicate with your child and/or a social worker or caseworker. This may include writing letters and the judge that you have made this effort.
- Know that you are planning for your child's future, identify someone who can care for your child while you are away.
- Stay in touch with your child's caseworker, your family caseworker, and your attorney. If you have not contacted with the caseworker, Social Services, or the foster care agency for two months, it can be considered abandonment of your child and a petition could be filed to terminate your parental rights.
- Complete any programs your Family Service Plan requires.
- Participate in Family Court proceedings. Contact your attorney if you are unable to attend a court proceeding. Make sure your attorney has copies of all of your relevant documents.

Sub. 811.2P (02/2016) (Amended 10/16) [www.ocfs.ny.gov](http://www.ocfs.ny.gov)

See 11-OCFS-ADM-07 for more information

## Enhanced Diligent Efforts for Agencies

Agency must inform parent about

- parent's rights and responsibilities
- family visiting services
- rehabilitative services that can help build relationships during and after incarceration



**You don't have to stop being a parent while you are incarcerated.**

**You have the right to:**  
Help find an appropriate person, such as a friend or relative, to care for your child. If you cannot reach friends or other relatives, foster care can apply for a "voluntary" temporary custodial parent or a foster parent for your child. If you are unable to make such an arrangement, your child will be placed with a foster parent or in another setting, such as a group home.

**Be informed about the foster care agency responsible for your child's care, the name of your child's caseworker, and how to contact the caseworker and his/her supervisor. This should be updated if a family member or your child's caseworker changes.**

**Know how to reach your family caseworker, if that person is different from your child's caseworker.**

**Participate in permanency planning for your child (see Foster Care).**

**Take advantage of services to help you address the issues that led to your child's placement in foster care (parenting classes, substance abuse treatment, etc.).**

**Participate in meetings about your Family Service Plan (see Foster Care).**

**Get information about family visiting and other services that can help you build a meaningful relationship with your child while you are incarcerated and after your release.**

**Work with your child, unless a court order prohibits such, about visitation/visiting if in-person visits are not possible. If you are not having regular visits with your child or you are disallowed with your child, contact your child's caseworker, foster caseworker, or your attorney.**

**Be kept up to date on your child's health and development and teacher progress in school.**

**Be assigned an attorney to represent you in your child's Family Court case. If you are financially eligible, consult with your attorney if you have any issues with foster care agency or the court. Your attorney is your advocate and should keep you informed about your case.**

**Attend Family Court proceedings if you know of an upcoming court date. Tell your attorney, caseworker, and corrections caseworker about making arrangements for you to attend court.**

**What is termination of parental rights?**  
Termination of parental rights (TPR) ends the legal relationship between a parent and child and frees the child to be adopted.

**When a child has been in foster care for six months or more and the parent has had no significant contact with the child, the foster care agency or the social services agency can apply for a TPR, for abandonment.**

**If a child is in foster care for 15 consecutive months or 15 of the most recent 22 months and the parent has failed after to maintain contact with the child or to plan for the child's future, the agency can file a TPR. The parent must sign a TPR. If the parent makes diligent efforts to work with the parent, the agency does not have to make those efforts if the parent moves out of state or the parent does not provide information to the agency.**

**The law allows the agency to decide not to file a TPR to a number of reasons. If a child is being cared for by a relative foster parent, there is a compelling reason why TPR is not in the child's best interests, or if the parent is incarcerated or is receiving substance abuse treatment and has maintained a meaningful role in the child's life, these decisions are made on a case-by-case basis, with a focus on the best interests of the child. This can help keep your parental rights.**


**— Arranging for an appropriate friend or relative to care for your child while you are incarcerated.**

Page 1 of 2

See 11-OCFS-ADM-07 for more information

## Enhanced Diligent Efforts for Agencies

- Family Assessment and Service Plan (FASP) must reflect challenges facing parent because of incarceration or participating in a residential substance abuse treatment program.
- Must engage parent in creating and reviewing service plan and participating in the service plan review (SPR), including using technology (unless parental rights are terminated or surrendered)



**If your child is in foster care, you have the responsibility to:**

- Stay in touch with your child, your child's caseworker, and your attorney.
- Attend planning meetings and court proceedings.
- Visit with your child as often as possible.
- Make regular contact with your child. Although this can be difficult while you are incarcerated, you are expected to make efforts to communicate with your child unless there is a court order prohibiting such contact. Even if that is the case, you should still try to contact with the agency caseworker. You should be able to show your caseworker and the judge that you have made every effort to stay in contact with your child and/or the foster care agency caseworker. It is a special case to:
  - Keep all the papers you receive about your case.
  - Keep a list of all individuals who visit your child (even if they don't have papers).
  - Document all the phone calls you make to the caseworker, your child, and your child's caregiver (even if you left a message or left the answering phone).
  - Make a copy of every letter (including card), or other mail you send your child. Show that you are planning for your child's future. Print addresses to care for your child while you are away.
- Stay in touch with your child's caseworker, your family caseworker, and your attorney. Notify the foster care agency if you are released, you are transferred to another facility, or your address changes. If you have lost contact with the foster care agency or your child for an extended, it can be considered abandonment of your child and a petition could be filed to terminate your parental rights.
- Complete any programs your Family Service Plan requires. Work with the foster care agency to find the quality centers in your Family Service Plan (see Foster Care).
- Participate in Family Court proceedings. Contact your attorney if you have questions or concerns and arrange to talk before every court date. Make sure your attorney has copies of any documents relevant to your service plan at the case. If you can go to court for an important reason (such as seeing the parent bench), notify your attorney, your caseworker, and the judge.

**What is a Family Service Plan?**  
The Family Service Plan outlines your child's permanency goal and the services required to achieve that goal. The plan should include steps you are expected to take to achieve that goal.

- You can choose to take into account the special challenges facing you and your family due to your incarceration.
- You have a right to participate in regular Service Plan Reviews (SPRs). SPRs happen 90 to 120 days after the child is placed in foster care and are held every two months thereafter. If you are there in person, you can participate via phone or videoconference, if available. This can be arranged through your caseworker and foster care agency caseworker.
- You should receive ten working notice when SPRs are scheduled and you should get a copy of the Family Service Plan within 30 days after the SPR.

Sub. 811.2P (02/2016) (Amended 10/16) [www.ocfs.ny.gov](http://www.ocfs.ny.gov)

See 11-OCFS-ADM-07

## Demonstrating a Meaningful Role

- Must be currently incarcerated or in a residential substance abuse treatment program
- Or **prior** incarceration or participation in a residential substance abuse treatment program was a significant factor for child being in care for 15 out of the past 22 months.

TYPES OF EVIDENCE [see SSL § 384-b (3)(l)(v)]

- efforts by parent to communicate and build relationship with child such as letters, telephone calls, visits, participation in planning, and other forms of communication with the child
- efforts by parent to work with the court, AFC, parent's attorney, foster care agency or service providers to meet legal responsibilities
- foster care agency determination that continued involvement of the parent in the child's life is in the child's best interest

SOURCES OF EVIDENCE

- Parent, child (if practical), child and parent's lawyers, foster care agency
- other organizations/individuals providing services to the parent
- individuals who play important role in child's life.

## Consideration for visiting, communication, and programming barriers facing incarcerated parents

See 11-OCFS-ADM-07

## Demonstrating a Meaningful Role

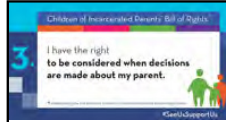
When determining whether the parent's continued involvement in the child's life is in the best interests of the child, consider the following:

- whether the parent was the child's primary caregiver prior to the child's placement
- parent's role in the child's life prior to the parent's incarceration or residential substance abuse treatment
- parent's current role in the child's life
- age of the child at the time of the child's placement
- length of the parent's period of incarceration or residential treatment
- length of time the child has been in foster care
- child's primary attachment
- special needs or vulnerabilities of the child
- whether the parent has addressed safety concerns, if any.

The parent/child assessment and best interests determination must be documented in the FASP, and all efforts made to reach the permanency goal of the child must be documented in the case record.

## Family Responsibility Statements

Considering the needs of children to make informed decisions



### PSI Social Circumstances section:

- Parenting role and responsibilities
- Age, special needs, and where child lives
- Who can care for the children in the parent's absence
- How a sentence may influence the family's ability to provide economic support and stability for the child
- Information about DSS or family court involvement and how incarceration potentially affects parental rights

### Information can assist in the following ways:

**Courts:** Consider sentencing option that is least harmful to children such as an ATI when appropriate

**DOCCS:** Guide placement and programming decisions

**Parole:** Inform parole decisions

BE SURE  
YOUR CHILD  
IS CARED FOR  
AND SAFE

IF YOU ARE  
ARRESTED,  
CALL SOMEONE  
IMMEDIATELY!

IF YOU ARE  
SENT TO JAIL  
OR PRISON,  
MAKE PLANS AND  
ARRANGEMENTS FOR  
YOUR CHILD!

APPOINT A CAREGIVER  
TALK TO A LAWYER  
ABOUT YOUR PLANS  
FOR YOUR CHILD

## Temporary Care and Custody Agreement

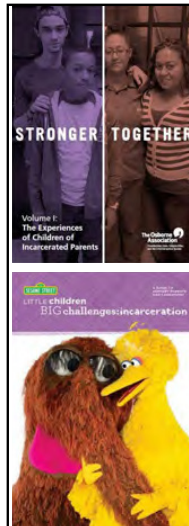
- NYS Permanent Judicial Commission on Justice for Children resource
- Parental Appointment of Your Child's Caregiver for 30 days or less
- Parental Appointment of Your Child's Caregiver for 12 months or less (notary)

[www.nycourts.gov/justiceforchildren](http://www.nycourts.gov/justiceforchildren)



## Resources

- Osborne Association: <http://www.osborneny.org>
- See Us, Support Us: <https://www.susu-osborne.org>
- New York State Council on Children and Families [ccf.ny.gov](http://ccf.ny.gov)
- Youth.Gov: Federal Website on Children of Incarcerated Parents [Youth.gov](http://Youth.gov)
- Sesame Street: [sesameworkshop.org/incarceration](http://sesameworkshop.org/incarceration)
- Echoes of Incarceration: [echoesofincarceration.org](http://echoesofincarceration.org)



## Contact Us

Dior Lindsey  
Program Coordinator  
FamilyWorks Buffalo  
Osborne Association

[dilindsey@osborneny.org](mailto:dilindsey@osborneny.org)  
929-239-5943

Allison Hollihan  
Senior Policy Manager  
Center for Justice Across Generations  
Osborne Association

[ahollihan@osborneny.org](mailto:ahollihan@osborneny.org)

Thank You!



New York Initiative for  
Children of Incarcerated Parents  
A special project of Osborne's Policy Center

The Osborne  
Association





# FamilyWorks Buffalo

*FamilyWorks Buffalo is an enrichment, leadership, and relationship-building program for parents, children, and families affected by incarceration in Western New York. We provide a safe, fun, and supportive environment for families that want to enjoy community with others who share similar experiences.*

## Contact Us:

### Program Coordinator

Dior Lindsey

929-239-5943

dilindsey@osborneny.org

### Outreach Coordinator

Rashawn Smalls

929-239-5942

rsmalls@osborneny.org

## Location:

### The Osborne Association

#### FamilyWorks Buffalo

Located at the Community Health

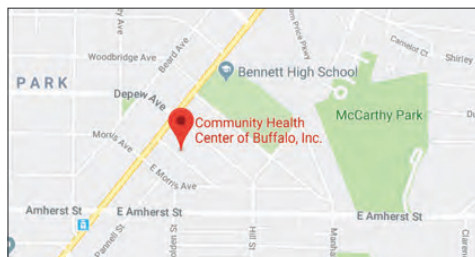
Center of Buffalo

34 Benwood Avenue

Buffalo, NY 14214

**Metro Bus: 32 to Amherst St & Hill St**

**Metro Rail: Amherst Station**




## FamilyWorks Buffalo offers:

- ▶ Family recreational activities
- ▶ Youth leadership development groups
- ▶ Education, training, and support for organizations and programs about the experiences and needs of children with incarcerated parents
- ▶ Osborne's free **Video Visiting** will allow children and family members to visit with incarcerated people by video from Osborne's Buffalo site to eight New York State prisons

**The Osborne  
Association**

Transforming Lives, Communities,  
and the Criminal Justice System

 [www.osborneny.org](http://www.osborneny.org)

 [info@osborneny.org](mailto:info@osborneny.org)

 [@OsborneNY](https://twitter.com/OsborneNY)

 [/OsborneNY](https://www.facebook.com/OsborneNY)

 [/OsborneNY](https://www.youtube.com/OsborneNY)

 [/osborneassociation](https://www.instagram.com/osborneassociation)

## Creating Safer Spaces for Children of Incarcerated Parents

- ▶ More than 10 million children in the U.S. have experienced their parent's incarceration or their parent being under correctional supervision. About 1 in 28 children have an incarcerated parent, making it likely you will come in contact with children of incarcerated parents. But, you may never know it because these children often remain invisible due to the stigma associated with incarceration. These guiding tips will help you create a safer space where children and families feel comfortable disclosing and expressing their emotions without feeling judged, blamed, or labeled.

### BE A ROLE MODEL OF ACCEPTANCE

- ▶ Assess your values and beliefs about the incarcerated and their families
- ▶ Examine how your values and beliefs affect your approaches and responses

### BE AN ACTIVE NONJUDGMENTAL LISTENER

- ▶ Let children lead the conversation and help them talk about their feelings by asking open-ended questions
- ▶ Acknowledge how hard it is to be separated from a parent
- ▶ Don't ask a question just because you are curious

### USE INCLUSIVE LANGUAGE

- ▶ Use nonjudgmental language, such as a parent who is incarcerated or formerly incarcerated person
- ▶ Avoid *inmate*, *offender*, *convict*, *prisoner*, and *criminal* to describe a young person's parent

### RESPECT PRIVACY

- ▶ Let children know what they share is confidential and share the limits of that confidentiality
- ▶ If necessary to share information, let the child know and get permission when possible

### SIGNAL SAFE SPACES

- ▶ Post the *Children of Incarcerated Parents' Bill of Rights* in your office or classroom
- ▶ Include children's books about parental incarceration in common areas, school libraries, classrooms, and offices

To learn more or to get involved, call us at 718-637-6560 or visit [www.osborneny.org](http://www.osborneny.org)

**SEE THEM  
SUPPORT THEM**

- ▶ Ask to Give: “If incarceration is an issue that affects your family, please let us know, and we will give you supportive resources.”
- ▶ Listen for common euphemisms: “her mother is away at college,” or “her father is working upstate”

**SUPPORT  
FAMILY  
CONNECTIONS**

- ▶ Support parent-child relationships, which are usually in children’s best interest
- ▶ Support visits, phone contact, and letter writing

**CONNECT TO  
AFTER-SCHOOL  
SUPPORTS**

- ▶ Identify peer groups, counseling, and supportive programs where children can discuss feelings, ask questions, and share experiences without fear of judgment
- ▶ Refer to programs dedicated to supporting children of incarcerated parents and families of the incarcerated

**USE A TRAUMA-  
INFORMED LENS**

- ▶ Understand children experience a parent’s incarceration as an ambiguous and traumatic loss
- ▶ Learn how the criminal justice system works and how incarceration affects children and families

**ORGANIZE  
LEARNING  
EVENTS**

- ▶ Invite youth and others directly affected by incarceration to speak at your organization or school
- ▶ Connect with organizations that work with families impacted by incarceration and learn about their programs

*The NY Initiative for Children of Incarcerated Parents (NYCIP) is a special project of the Osborne Center for Justice Across Generations.*

- ▶ Raising awareness, promoting policy and practice change, and building partnerships to ensure children’s rights are upheld, important relationships maintained, and their potential nurtured during their parent’s involvement in the criminal justice system. For more information, go to <http://bit.ly/NYInitiative>.
- ▶ The Children of Incarcerated Parents: *A Bill of Rights* was developed by the San Francisco Children of Incarcerated Parents Partnership in 2005: [www.sfcipp.org](http://www.sfcipp.org).
- ▶ For more information about person-first, inclusive language, go to <http://bit.ly/WEAREPEOPLE>.



[www.osborneny.org/susu](http://www.osborneny.org/susu)  
[info@osborneny.org](mailto:info@osborneny.org)  
 @OsborneNY  
 /NYCIP



**175 Remsen Street**  
**Brooklyn, NY 11201**  
**(718) 637-6560**

*\*Updated 8/17*

# FACT SHEET



New York Initiative for  
**Children of Incarcerated Parents**  
*A special project of Osborne's Policy Center*

## SUPPORT PROXIMITY

**Proximity matters.** Distance and the burdensome cost of visiting remote prisons make it difficult for children to consistently visit their incarcerated parents, if at all.<sup>1</sup> Visiting is associated with improved well-being for children and incarcerated parents, lower recidivism rates, and successful reentry and family reunification. Yet, the majority of incarcerated individuals in New York prisons are over 100 miles away from their families in facilities that are inaccessible by public transportation.<sup>2</sup> **Incorporating proximity into the prison assignment determination is a win for children, parents, correctional environments, and public safety.**

### Visiting Can Support Children's Wellbeing

On any given day, more than 105,000 children in New York have an incarcerated parent, which is recognized as an Adverse Childhood Experience (ACE) that increases children's risk for developing negative long-term health and mental health outcomes. Without support, children with incarcerated parents are more likely to experience poverty, instability, homelessness, learning disabilities, and some may engage in behaviors that lead to justice-involvement. Visiting can mitigate many of these risks and supports children in the following ways:

- Decreases emotional distress and problem behaviors.
- Allows for important conversations that can reduce a child's feelings of guilt, responsibility, and concern for their parents, and provides a forum for children to process the trauma surrounding the separation.
- Improves relations between parents and children upon a parent's return home.

### Visiting Lowers Recidivism and Supports Rehabilitation

Visiting supports the rehabilitation of parents who are incarcerated and promotes positive behavior during a period of incarceration.<sup>3</sup> Increasing success upon reentry benefits the communities to which parents return and supports their children's wellbeing and future outcomes. Visiting is associated with the following post-release outcomes:

- *Lower recidivism rates.* In one study, incarcerated persons who received visits were 13% less likely to commit a felony and 25% less likely to return to prison due to a parole violation.<sup>4</sup>
- *Supports successful re-entry.* Fathers who received visits are more likely to obtain employment and have stronger attachments to their children upon release.<sup>5</sup>

### Bills that Support Children Visiting their Parents in NY State Prisons

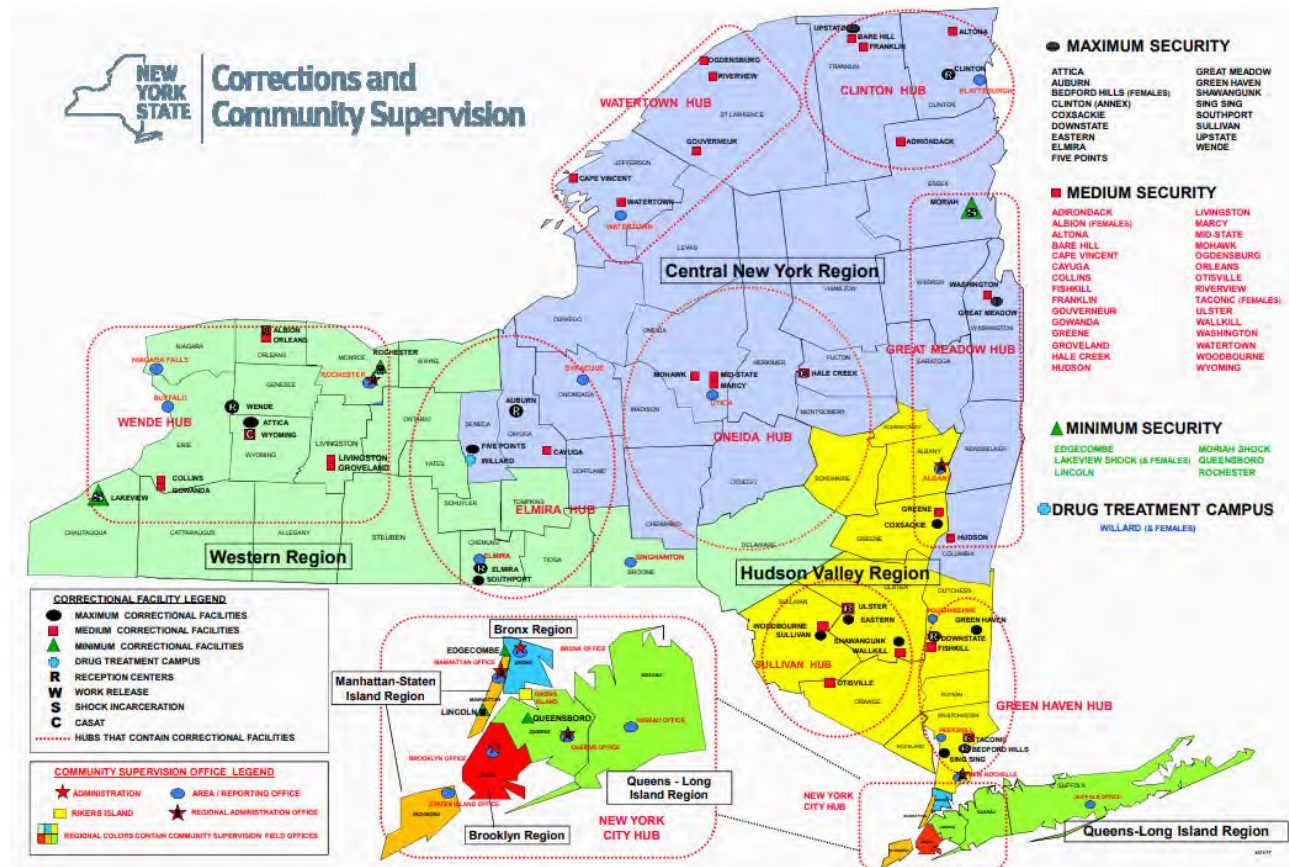
- **S724A/A6710** (Senator Montgomery/AM Rozic) Requires DOCCS to place incarcerated parents at facilities of their designated security level which meets their programming needs that are closest to their minor children.
- **A5942/S731A**(AM De La Rosa/Senator Montgomery) Restores the Family Visiting Bus Program that for decades transported families and friends to visit loved ones incarcerated in New York State Prisons at no cost to visitors.
- **A4338/S2689** (AM Weprin/Senator Sepulveda) Authorizes daily visits at NYS general confinement prisons.
- **A2483/S2698** (AM Weprin/Senator Sepulveda) Codifies in-person visiting and ensures video visits are a supplement to in-person visits.



[www.osborneny.org/susu](http://www.osborneny.org/susu)  
[NYInitiative@osborneny.org](mailto:NYInitiative@osborneny.org)  
[@OsborneNY](https://twitter.com/OsborneNY)  
[/NYCIP](https://www.facebook.com/NYCIP)

Children of Incarcerated Parents Bill of Rights #5  
*"I have the right to speak with, see, and touch my parent."*

# There are 52 prisons in New York State



New York has three women’s prisons and two of these are medium security facilities: Alton Correctional is in the Western Region in Orleans County near Rochester and Taconic Correctional is in the Hudson Valley Region in Westchester County near NYC.

<sup>1</sup> New Jersey, Florida, California, and Hawaii have laws or regulations that require Corrections to consider proximity to family.

<sup>2</sup> 58% of incarcerated individuals from the NYC metropolitan area are placed in prisons over 200 miles from their homes and 70% of incarcerated individuals from rural areas are placed in prisons over 100 miles from their homes. DiZerega, M., Asif Uddin, F, & Tobias, L. (2012). *New York State prison visiting bus: A public safety resource that benefits children and families*. New York, New York: Vera Institute of Justice.

<sup>3</sup> Mohr, G. C. *An Overview of Research Findings in the Visitation, Offender Behavior Connection*. Ohio Department of Rehabilitation and Correction, 2012.

<sup>4</sup> Duwe, G. & Clark, V. (2013). *Blessed Be the Social Tie That Binds: The Effects of Prison Visitation on Offender Recidivism*. Criminal Justice Policy Review.

<sup>5</sup> Visher et al. (2004). *Prisoners' Experiences Returning Home*. Washington DC: Urban Institute; LaVigne et al. (2005). *Examining the effect of incarceration and in-prison family contact on prisoners' family relationships*. *Journal of Contemporary Criminal Justice*, 21. 314 – 35.

**FORM 1.  
PARENTAL APPOINTMENT OF  
YOUR CHILD'S CAREGIVER\*  
FOR 30 DAYS OR LESS**

**Filled Out by Parent**

I, *(your name)* \_\_\_\_\_,

parent of *(your child's name)* \_\_\_\_\_,

choose *(caregiver's name)* \_\_\_\_\_,

who lives at *(caregiver's address)* \_\_\_\_\_,

to be the caregiver and the person able to make education and healthcare decisions, including consent for routine and emergency medical treatment, for my child. This gives the caregiver full authority for *(number from 1 to 30)* \_\_\_\_\_ days that starts on the date \_\_\_\_\_ below and ends earlier if I say so.

Sign Here: \_\_\_\_\_

Date: \_\_\_\_\_

\*Do a separate form for each child. The caregiver can show this form to education and healthcare providers. The education and healthcare providers can make copies of this form.

**BE SURE  
YOUR CHILD  
IS CARED FOR  
AND SAFE**

**IF YOU ARE  
ARRESTED,  
CALL SOMEONE  
IMMEDIATELY!**

**IF YOU ARE  
SENT TO JAIL  
OR PRISON,  
MAKE PLANS AND  
ARRANGEMENTS FOR  
YOUR CHILD!**

**APPOINT A CAREGIVER  
TALK TO A LAWYER  
ABOUT YOUR PLANS  
FOR YOUR CHILD**

**BE SURE YOUR CHILD IS CARED FOR AND SAFE**

**TAKE IMMEDIATE STEPS — CALL SOMEONE!**

Make arrangements for today and for as long as you will be unable to care for your child. You may need to ask one person to care for your child immediately and another person to provide longer-term care.

**Appoint a Caregiver Immediately**

If you are your child's only caregiver, ask your child's other parent, a relative or friend to care for your child and put it in writing. This gives that person the legal ability to make education and medical decisions for your child. There are two forms included in this flyer that you can use to appoint a temporary caregiver. The two forms are for different time periods and have different requirements. Always do a separate form for each of your children. The caregiver can show the completed form to your child's education and healthcare providers and they can make copies of the form.

**Form 1. Parental Appointment of Your Child's Caregiver for 30 Days or Less**

- Complete this form immediately.
- It is easy for you to fill in and give to the caregiver.

**Form 2. Parental Appointment of Your Child's Caregiver for 12 Months or Less**

- Complete this form as soon as possible and before the 30 day arrangement ends.
- This form must be signed in front of a notary public by you and the caregiver. You can have it notarized together or separately. If done separately, you, the parent, must have it notarized first.
- You can renew this arrangement. Complete and notarize new forms for each of your children before the 12 month period is over.

**TALK TO A LAWYER ABOUT YOUR PLANS FOR YOUR CHILD.  
HERE ARE SOME OPTIONS**

**File a Custody or Guardianship Petition**

If your child's other parent or another suitable person can care for your child, he or she can file a petition in Family Court and you consent to a change in custody or to the appointment of the guardian at a hearing, and you may be eligible for a lawyer free of charge. This gives that person the responsibility for the care and decision-making for your child. You can ask for a visiting plan for you and your child.

**Modify a Custody and Visitation Order**

If your child's other parent can care for your child and you have sole custody of your child, your child's other parent can file a petition in Family Court to modify the order that gave you custody. You consent to a change in custody at a hearing that gives your child's other parent the responsibility for the care and decision-making for your child, and you may be eligible for a lawyer free of charge. You can ask for a visiting plan for you and your child.

**Voluntary Placement in Foster Care**

If your child's other parent is not able to care for your child and you do not have another suitable person who can care for your child, you can call 211 (available in most counties) or contact your local county department of social services (Administration for Children Services in New York City) preventive services department directly and ask to place your child in foster care. If the department agrees, you must sign a voluntary placement agreement that allows your child to be placed in temporary foster care. You can ask for a visiting plan for you and your child.

**FORM 2. PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER  
FOR 12 MONTHS OR LESS**

**Filled Out by Parent (Do a separate form for each child)**

I, *(your name)* \_\_\_\_\_, parent of *(your child's name)* \_\_\_\_\_,

choose *(caregiver's name)* \_\_\_\_\_, date of birth *(your child's date of birth)* \_\_\_\_\_,

to be the caregiver and the person able to make education and healthcare decisions, including consent for routine and emergency medical treatment, for my child. This gives the caregiver full authority for my child's education and health decisions from *(start date)* \_\_\_\_\_ to *(end date)* \_\_\_\_\_ unless I say so otherwise. The caregiver's phone number is \_\_\_\_\_. The caregiver's address is \_\_\_\_\_.

When I was taken into custody, my home address was \_\_\_\_\_.

\_\_\_\_\_. I expect to be in the following location *(name of jail/prison)* \_\_\_\_\_

and cannot be contacted directly by phone. My department identification number or book and case number is *(your number or leave blank if unknown)* \_\_\_\_\_.

There is no court order in effect that stops me from making this appointment.

Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_

**Filled Out by Notary**

STATE OF NEW YORK \_\_\_\_\_

COUNTY OF \_\_\_\_\_ ss.: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_,

known to me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

Notary Public \_\_\_\_\_

**Filled Out by Caregiver**

I, *(your name)* \_\_\_\_\_, consent to assume the responsibilities and duties of an appointed caregiver (person in a parental relation) to this child.

Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_

**Filled Out by Notary**

STATE OF NEW YORK \_\_\_\_\_

COUNTY OF \_\_\_\_\_ ss.: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_,

known to me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

Notary Public \_\_\_\_\_

**TELL YOUR CHILD'S CAREGIVER ABOUT THESE PLACES WHERE  
YOU, YOUR CHILDREN AND THEIR CAREGIVERS CAN GET HELP**

**LIFT**

Website: www.LIFTonline.org  
Statewide Hotline: 212-343-1122 (accepts collect calls from parents in jail or prison)  
Email via web: www.LIFTonline.org

**Range of services include:**

- Legal information about Family Court and family law
- Referrals to social and legal services
- Receive intensive legal and social work services at the Family Legal Center
- Multilingual Legal Resource Guides

**Prisoners' Legal Services of New York:**

**Family Matters Unit**

Phone: 518-438-3046  
Address: 41 State St, Suite M112  
Albany, NY 12207

**Range of services include:**

- Assist incarcerated parents who were convicted in the counties of Albany, Bronx, Erie, Kings, Nassau, New York, Queens or Richmond (or have children living in those counties)
- Maintain family ties during incarceration and assist with child support orders

**NYS Kinship Navigator**

Website: www.nysnavigator.org  
Toll-Free Phone: 877-454-6463  
Email: navigator@nysnavigator.org

**Range of services include:**

- Learn about county-specific help
- Talk to a Kinship Specialist
- Access legal fact sheets
- Referrals to agencies and professionals

**The Osborne Association**

Website: www.osborneny.org  
Family Resource Center: 800-344-3314  
Phone: 718-637-6560  
Email: info@osborneny.org

**Range of services include:**

- Court advocacy, drug treatment, employment and family services
- Visiting assistance and counseling

**Women's Prison Association**

Website: www.wpaonline.org  
Phone: 646-292-7740  
Range of services include:

- Get direct assistance for criminal justice involved women

**ALSO TELL YOUR CHILD'S CAREGIVER ABOUT THESE RESOURCES**

**Financial Help for Your Child**

Your child's caregiver may be able to apply for Temporary Assistance (often called child-only grants) that provides monthly cash assistance to be used for the care of your child. This assistance is based on the income and resources of your child, not the income of the non-parent caregivers. Caregivers may also be able to apply for Food Stamps, Medicaid, child care assistance or other services for your child. For more information and an application package, the caregiver can call 211 (available in most counties) or visit the local department of social services (HRA in New York City).

**Handbook for Caregivers**

The New York State Handbook for Relatives Raising Children, *Having a Voice and a Choice*, discusses the various options available to caregivers. Online at <https://ocfs.ny.gov/main/publications/Pub5080.pdf>.

**Resources for Your Child**

The NYS Office of Children and Family Services provides several resources available for adults and children to help them throughout this difficult time. Online at [https://ocfs.ny.gov/main/incarcerated\\_parents/default.asp](https://ocfs.ny.gov/main/incarcerated_parents/default.asp).

**This flyer should not take the place of speaking with a lawyer about any of these issues. All individuals involved with the Family Court or Criminal Court are encouraged to speak with a lawyer.**

Prepared by: NYS Permanent Judicial Commission on Justice for Children Website: [www.nycourts.gov/justiceforchildren](http://www.nycourts.gov/justiceforchildren)

Revised 1.29.2019



FORMULARIO 1.  
**NOMBRAMIENTO CONJUNTO DE GUARDIÁN DE SU HIJO(A) POR HASTA 30 DÍAS**

Para ser completado por los padres  
Yo, (su nombre) \_\_\_\_\_

padre/madre de (nombre del menor) \_\_\_\_\_

nombro a (nombre del guardián) \_\_\_\_\_

que vive en (domicilio del guardián) \_\_\_\_\_

como guardián con la autoridad legal de tomar decisiones médicas y en materia educativa sobre mi hijo(a), incluso la capacidad de dar su consentimiento para tratamientos médicos rutinarios o urgentes. Por medio de la presente se le otorga al guardián las facultades plenas por (indique número del 1 al 30) \_\_\_\_\_ días a partir de la fecha que figura debajo y ha de concluir antes si así lo decido yo.

Firme aquí: \_\_\_\_\_

Fecha: \_\_\_\_\_

\*Complete un formulario por cada uno de sus hijos(as).

El guardián puede presentar este formulario ante los proveedores de servicios educativos y de salud. Los proveedores de servicios educativos y de salud podrán fotocopiar este formulario.

**CERCÍORSE DEL CUIDADO Y DE LA SEGURIDAD DE SUS HIJOS**

**SI LE ARRESTAN, ¡LLAME A ALGUIEN DE INMEDIATO!**

**SI LE ENVÍAN A LA CÁRCEL, ELABORE UN PLAN Y PREPARATIVOS NECESARIOS PARA SU HIJOS**

**DESIGNE A UN GUARDIÁN  
CONSULTE CON UN ABOGADO SOBRE SUS PLANES PARA SUS HIJOS**

**CERCÍORSE DEL CUIDADO Y LA SEGURIDAD DE SU HIJO(A)**

**¡TOME MEDIDAS INMEDIATAS. ¡LLAME A ALGUIEN!**

Tome medidas para este momento y mientras no pueda cuidar de su hijo. Quizás necesite pedirle a una persona que cuide de su hijo de manera inmediata y a otra persona que lo cuide a largo plazo.

**Designe de inmediato a un guardián**

Si usted es el único guardián del menor de su hijo(a), pídale al otro progenitor del menor, a un pariente, o a un amigo que se encarguen de su hijo(a) y póngalo por escrito. Esto le otorga a dicha persona la capacidad legal de tomar decisiones médicas y en materia educativa sobre su hijo(a).

En este folleto se incluyen dos formularios que puede usar para designar a un guardián temporal. Los dos formularios son para diferentes periodos y tienen distintos requisitos. \*Complete un formulario por cada uno de sus hijos. El guardián podrá presentar el formulario completo a los proveedores de educación y los proveedores de atención médica de su hijo(a), y ellos podrán fotocopiar los formularios.

**Formulario 1. Nombramiento conjunto del guardián de su hijo(a) por hasta 30 días**

Complete este formulario de inmediato.

- Es sencillo completarlo y entregárselo al guardián
- **Formulario 2. Nombramiento conjunto del guardián de su hijo(a) por hasta 12 meses**
- Complete este formulario a mayor brevedad y antes de concluir el acuerdo de los 30 días
- Usted y el guardián deberán firmar este formulario ante un notario público. Podrán notarlo en conjunto o por separado. Si ha de notarse por separado, usted como progenitor, deberá notarlo primero.
- Esta disposición puede renovarse. Antes de concluir el periodo de los 12 meses deberá completar y notificar un formulario por cada uno de sus hijos(as).

**Entable una petición para custodia o tutele**

**CONSULTE CON UN ABOGADO SOBRE SUS PLANES PARA SUS HIJOS. AQUÍ LE OFRECEMOS ALGUNAS OPCIONES.**

Si el otro progenitor u otra persona adecuada puede cuidar de su hijo(a), pueden entablar una petición en el Tribunal de Familia y si usted reúne los requisitos, se le podría asignar un abogado gratuito si en una audiencia usted autoriza cambios a la custodia o al nombramiento del guardián. Esto responsabiliza a la persona a cuidar de y a tomar decisiones sobre su hijo(a).

**Modificación de una orden de custodia o régimen de visitas**

Si el otro progenitor puede cuidar de su hijo(a) y usted tiene la custodia plena, el otro progenitor puede entablar una petición en el Tribunal de Familia para modificar la orden otorgándole la custodia. Durante una audiencia su consentimiento para cambios a la custodia le da al otro progenitor la responsabilidad del cuidado de y la capacidad de tomar decisiones sobre su hijo(a).

**Ubicación voluntaria en el sistema de cuidado de crianza**

Si el otro progenitor no puede cuidar de su hijo(a) y usted no cuenta con otra persona adecuada para su cuidado, podrá comunicarse con el 211 (disponible en la mayoría de los condados) o comunicarse directamente con la oficina local de servicios preventivos del departamento de servicios sociales de su condado (en la ciudad de Nueva York es la Administración de Servicios para Menores [ACS por sus siglas en inglés]) y pida colocar a su hijo(a) en el sistema de cuidado de crianza. Si el departamento está de acuerdo, usted deberá firmar un consentimiento de colocación voluntaria que le permitirá temporalmente colocar a su hijo(a) en cuidado de crianza. Podrá solicitar un régimen de visitas para usted y su hijo(a).

**FORMULARIO 2. NOMBRAMIENTO CONJUNTO DE GUARDIÁN O TUTOR DE SU HIJO(A)**

**Debe ser llenado por los padres (llene un formulario por cada uno de sus hijos(s))**

Yo, (su nombre) \_\_\_\_\_, padre/madre de (nombre del menor) \_\_\_\_\_, con fecha de nacimiento (fecha de nacimiento del menor) \_\_\_\_\_,

designo a (nombre de cuidador) \_\_\_\_\_ como guardián y persona con la capacidad legal de tomar decisiones médicas y en materia educativa sobre mi hijo(a), incluso la capacidad de dar su consentimiento para tratamientos médicos rutinarios o urgentes. Por medio de la presente se le otorga al guardián la autoridad plena de tomar decisiones médicas y en materia educativa sobre mi hijo(a) desde el (fecha de inicio) \_\_\_\_\_

hasta el (fecha de conclusión) \_\_\_\_\_ a menos que yo decida lo contrario. El número telefónico del guardián es \_\_\_\_\_. El domicilio del guardián es \_\_\_\_\_.

En el momento de mi detención, mi domicilio era \_\_\_\_\_.

Preveo estar en el siguiente lugar (nombre de la cárcel) \_\_\_\_\_ y no podrán tener contacto telefónico directo conmigo. Mi número de identificación asignado por el departamento, o el número de ficha de detenido y número de caso es el \_\_\_\_\_.

(dejar en blanco si desconoce su número) \_\_\_\_\_. No existe ninguna orden judicial vigente que impida tal nombramiento.

Firme aquí: \_\_\_\_\_ Fecha: \_\_\_\_\_

**Debe ser llenado por un notario**

ESTADO DE NUEVA YORK  
CONDADO DE(1) \_\_\_\_\_ ss.:

El día \_\_\_\_\_ de \_\_\_\_\_ de 20\_\_\_\_\_, comparecé ante mí \_\_\_\_\_ de quien doy fe es la persona aquí suscrita y quien ha firmado este documento, y que dicha persona debidamente reconoce haber ejecutado el mismo.

Notario público \_\_\_\_\_

**Debe ser llenado por el guardián o tutor**

Yo, (su nombre) \_\_\_\_\_, doy mi consentimiento para asumir las responsabilidades y deberes como el guardián (pariente) de este menor.

Firme aquí: \_\_\_\_\_ Fecha: \_\_\_\_\_

**Debe ser llenado por un notario**

ESTADO DE NUEVA YORK  
CONDADO DE \_\_\_\_\_ ss.:

El día \_\_\_\_\_ de \_\_\_\_\_ de 20\_\_\_\_\_, comparecé ante mí \_\_\_\_\_ de quien doy fe es la persona aquí suscrita y quien ha firmado este documento, y que dicha persona debidamente reconoce haber ejecutado el mismo.

Notario público \_\_\_\_\_

**DÍGALE AL GUARDIÁN O TUTOR DE SU HIJO(A) QUE PUEDE OBTENER AYUDA EN LOS SIGUIENTES LUGARES**

**LIFT**

Sitio web: [www.LIFTonline.org](http://www.LIFTonline.org)  
Línea directa estatal: 212-343-1122 (Se aceptan llamadas a

correo electrónico a través del sitio web:

[www.LIFT hotline.org](http://www.LIFT hotline.org)

**La gama de servicios incluye:**

- Información legal sobre el Tribunal de Familia y el derecho familiar.
- Referidos para servicios sociales y legales.
- Obtención de servicios legales y de trabajo social intensivos en Family Legal Center.
- Manuales multilingües sobre recursos legales

**Servicios Legales presidiarios en Nueva York: Unidad de Asuntos Familiares (Prisoners' Legal Services of New York: Family Matters Unit)**

Teléfono: 518-438-8046

Dirección: 41 State St, Suite M112

Albany, NY 12207

**La gama de servicios incluye:**

- Ayuda para padres presidiarios condenados en los condados de(1) Albany, Bronx, Erie, Kings, Nassau, New York, Queens o Richmond (o con hijos(as) residentes de esos condados).
- Conservación de lazos familiares durante el encarcelamiento y ayuda con las órdenes de manutención de menores.

**Orientador para Parientes en el estado de Nueva York (NYS Kinship Navigator)**

Sitio web: [www.nysnavigator.org](http://www.nysnavigator.org)

Línea gratuita: 877-454-6463

Correo electrónico: [navigator@nysnavigator.org](mailto:navigator@nysnavigator.org)

**La gama de servicios incluye:**

- Información sobre ayuda específicamente por condado
- Consulte con un especialista en lazos familiares
- Acceso a información legal.
- Referidos a agencias y profesionales.

**La Asociación Osborne**

**(The Osborne Association)**

Sitio web: [www.osborneny.org](http://www.osborneny.org)

Centro de Recursos Familiares: 800-344-3314

Teléfono: 718-637-6560

Correo electrónico: [info@osborneny.org](mailto:info@osborneny.org)

**La gama de servicios incluye:**

- Abogacía, tratamiento para la drogadicción, servicios laborales y para la familia.
- Asistencia para las visitas y asesoramiento.

**Asociación de Cárcel de Mujeres (Women's Prison Association)**

Sitio web: [www.wpaonline.org](http://www.wpaonline.org)

Teléfono: 646-292-7740

**La gama de servicios incluye:**

- Asistencia directa para mujeres involucradas en la justicia penal.

**TAMBIÉN DÍGALE AL GUARDIAN DE SU HIJO(A) SOBRES ESTOS RECURSOS**

**Ayuda financiera para su hijo(a)**

El guardián puede solicitar ayuda temporal (por lo general, denominada "subsídios solo para menores") que le proporciona una ayuda monetaria mensual para el cuidado del menor. Esta ayuda se basa en los ingresos y los recursos de su hijo(a), no en los ingresos del guardián no progenitor. Los guardianes también pueden solicitar cupones de alimento, Medicaid, ayuda para el cuidado infantil u otros servicios para su hijo(a). Para obtener más información y la documentación para la solicitud, el guardián puede llamar al 211 (disponible en la mayoría de los condados) o puede visitar el departamento local de servicios sociales (en la ciudad de NY se conoce como la Administración de Recursos Humanos).

**Manual para guardianes**

Con Voz y Voto, Manual del estado de Nueva York para Padres Encargados de la Crianza de Menores, aborda las diferentes opciones disponibles para guardianes. Disponible en línea: <https://ocfs.ny.gov/main/publications/Pub5080-S.pdf>.

**Recursos para el menor**

La Oficina de Servicios para Menores y Familias del estado de Nueva York (NYS Office of Children and Family Services) tiene diferentes recursos disponibles para ayudar a adultos y menores a atravesar este momento difícil. Disponibles en línea: [https://ocfs.ny.gov/main/incarcerated\\_parents/default.asp](https://ocfs.ny.gov/main/incarcerated_parents/default.asp).

**Este folleto no debe sustituir el asesoramiento de un abogado sobre los temas aquí tratados. Se alienta a todas las personas involucradas en el Tribunal de Familia o el Tribunal Penal a que consulten con un abogado.**

Preparado por: la Comisión Judicial para la Justicia de Menores del estado de Nueva York  
NYS Permanent Judicial Commission on Justice for Children) Sitio web: [www.nycourts.gov/justiceforchildren](http://www.nycourts.gov/justiceforchildren).

Revised 1.29.2019

## Scheduling Visits

We will contact your family to schedule video visits.

Visiting hours vary depending on facility.



## The Osborne Association Services

We offer other supportive programs for individuals and families involved in the criminal justice system.

Video Visiting staff can provide your family with more information.

Video Visiting locations are available in:

- The Bronx
- Brooklyn
- Manhattan
- Buffalo, NY
- Newburgh, NY
- Queens (Partnership with The Child Center of New York)



Please Contact Us to Learn More:

Dalia Teen  
Video Visiting Program Coordinator  
[dteen@osborneny.org](mailto:dteen@osborneny.org)  
(347) 505-6617

# DOCCS FAMILY VIDEO VISITING



## DOCCS Family Video Visiting

Families come to any Osborne Association office to video visit with a family member who is incarcerated at one of the following New York State (DOCCS) correctional facilities:

- Bare Hill
- Greene
- Hudson
- Groveland
- Gouverneur
- Gowanda

Visits are free of charge.

Up to four family members can video visit at once for 45 minutes.

In person visits are encouraged and are still available at DOCCS facilities.

*"It is our special time to connect, catch up, and get a live visual of each other."*



## How to Apply

Incarcerated individuals must submit an application to DOCCS staff at the facility.

At minimum, the following criteria must be met:

- Visitors must be family members
- Visitors must be approved by DOCCS
- No order of protection that prohibits communication
- Visitors must show government issued identification

## Family Friendly Visiting

Visiting rooms are set up like living rooms with toys and books available for children.

Our offices are handicap and stroller accessible.


\*\*Cell phones and digital devices are not allowed in the visiting rooms.



# STRONGER TOGETHER

Volume I:  
The Experiences  
of Children of  
Incarcerated Parents



The Osborne Association   
Transforming Lives, Communities,  
and the Criminal Justice System

# **STRONGER TOGETHER**

## Volume I: The Experiences of Children of Incarcerated Parents

### **ABOUT THE OSBORNE ASSOCIATION**

Founded in 1931, the Osborne Association works in partnership with individuals, families and communities to create opportunities for people affected by the criminal justice system to further develop their strengths and lead lives of responsibility and contribution. We design, implement, and advocate for solutions that prevent and reduce the damage caused by crime and incarceration.

### **ABOUT THE NEW YORK INITIATIVE FOR CHILDREN OF INCARCERATED PARENTS**

The New York Initiative for Children of Incarcerated Parents was launched by the Osborne Association in 2006, following the creation of the *Children of Incarcerated Parents' Bill of Rights* by the San Francisco Children of Incarcerated Parents Partnership. The Initiative works with government, community, and faith-based partners to advocate for policies and practices that meet the needs and respect the rights of children whose parents are involved in the criminal justice system. The Initiative also serves as a tri-chair to the statewide Children of Incarcerated Parents Coordinating Council launched in October 2011.

Front cover photo by Teresa A. Miller, 2012.

## **ACKNOWLEDGMENTS**

The *Stronger Together* handbooks owe their existence to the wisdom, insight, vision, and deep commitment of their original authors who in 1993 issued *How Can I Help?*, a series of three handbooks published by The Osborne Association. Written by Margaret Brooks (Volume I), Elizabeth Gaynes (Volume II), and Jane Schreiber and Elizabeth Gaynes (Volume III) and reviewed by an interdisciplinary advisory committee, much of what they wrote 20 years ago (for better or worse) holds true today. We also extend a heartfelt thank you to the children, youth, caregivers, and parents who shared their personal experiences and courage with us to enrich the updated handbooks.

The revised handbooks were updated by Elizabeth Gaynes, Tanya Krupat, Dana Lemaster-Schipani, and Joan Hunt. Volume III was developed by Gerard Wallace, and written by Gerard Wallace, Rachel Glaser, Michelle Rafael, Lynn Baniak, Tanya Krupat, Dana Lemaster-Schipani, and Elizabeth Gaynes. Virginia Lowery and Kasey Currier provided skillful copyediting.

We are grateful to Jedd Flanscha for his design, patience and persistence.

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Design by Jedd Flanscha at Yield Media.

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## ABOUT THE HANDBOOKS

In 1993, The Osborne Association published a three-volume handbook series entitled *How Can I Help? Working with Children of Incarcerated Parents*. Almost twenty years later, the handbooks have been revised and are republished here under the new title, *Stronger Together*. This reflects our view that we must come together to address the needs of children with incarcerated parents, including overcoming the isolation that comes from the stigma and shame associated with incarceration. The goal of the original handbooks and of those reissued in 2012 is to champion and support the hundreds of thousands of children in New York State (and the millions of children nationally) whose lives are disrupted by the arrest and/or incarceration of a parent.

While the handbooks have changed since 1993, much of the content of the first series is still relevant and forms the core of the republished Volumes I and II. **Volume I: Experiences of Children of Incarcerated Parents** focuses on children’s feelings, experiences, and responses. **Volume II: Maintaining and Strengthening Family Ties for Children of Incarcerated Parents** discusses why and how to maintain parent-child relationships. **Volume III: Information for Non-Parent Caregivers of Children with Incarcerated Parents**—an entirely new handbook—provides needed information for and addresses the most common concerns of caregivers. Please note that the original 1993 Volume III was a handbook of general resources, which is now out of print, and is available as a PDF file (as are the new handbooks) on the Osborne Association website at [www.osborneny.org](http://www.osborneny.org).

All of the *Stronger Together* handbooks include information, tools, and resources, as well as vignettes and quotes to illustrate real-life examples. They are written for a diverse and broad audience who significantly touch and influence children’s lives, including caregivers of all kinds, professionals, volunteers, family members, and other caring adults. While the handbooks focus on children and the criminal justice system in New York State, they are designed to be helpful for those in other states as well.

### **CAVEATS ABOUT THE STRONGER TOGETHER SERIES:**

First, *the handbooks focus on the majority of situations in which parents are incarcerated for non-child-related crimes*. They do not address situations where a parent harmed a child directly or indirectly, such as when a violent act was committed against the other parent, a sibling, or family member. These are complex cases and require careful and ongoing assessment, professional advice, and therapeutic support.

Secondly, while some of the information in the handbooks may apply to children whose parents are being held within immigration detention facilities or facing possible deportation, there are substantial differences in their experiences and the resources available to them. It was beyond the scope of this series to address these issues, though we offer resources online.

Lastly, we have tried to address as wide a range of experiences and circumstances as possible, but do not pretend to have covered all possible scenarios.

We are committed to empowering you to proactively reach out to children with incarcerated parents and their families to assist them in navigating this challenging and often painful experience. No matter which volume you pick up first, **we strongly recommend that you read Volume I in its entirety**. It will strengthen your own understanding of children's feelings and responses, which will strengthen your ability to effectively respond to children's needs and in turn create supportive and understanding communities for children and families to live in—and for parents to return to.

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**SECTION 1:  
WHAT WE KNOW**

Over the past four decades, there has been an explosive growth in the number of people arrested and incarcerated in jail and prison. The United States leads the world in incarceration, with an incarceration rate five to eight times that of other industrialized countries.<sup>1</sup> According to a Pew Center on the States report, in 2010 there were more than 2.3 million people in jails or prisons—most of whom were Black and Latino and incarcerated for non-violent offenses—of which, more than 1.2 million were parents of children under age 18.<sup>2</sup> In New York City alone, there were 338,314 men and women arrested in 2011; for New York State that year, the number of arrests was 576,319.<sup>3</sup>

Nationally, there are more than 2.7 million children under age 18 with an incarcerated parent, and approximately 10 million children who have experienced parental incarceration at some point in their lives.<sup>4</sup> This translates into 1 in every 28 children (3.6%) having an incarcerated parent, up from 1 in 125 children just 25 years ago.

In New York State, it is estimated that more than 100,000 minor children have a parent serving time in prison or jail; this includes parents incarcerated in New York's 60 state prisons,<sup>5</sup> those incarcerated in the county jails of New York's 62 counties (including Rikers Island in New York City) and in four federal prisons.<sup>6</sup> The majority of incarcerated men and women are parents. These numbers actually under-count the number of children affected by a parent's arrest or incarceration. Many more children experience the incarceration of a close family member, yet these numbers remain unknown, because of the invisibility of this issue and the lack of responsibility of any single agency to keep statistics on this population of children (also, because, they do not include children over 18).

1 ABC News. "U.S. Prison Population Hits All-Time High: 2.3 Million". News Release, 6, June 2008.

2 The Pew Charitable Trusts: Pew Center on the States. (2010). *Collateral Costs: Incarceration's effect on economic mobility*. Washington, D.C.: Author.

3 <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>.

4 The Pew Charitable Trusts: Pew Center on the States. (2010).

5 As of January 2011 there were 56,315 men and women in New York State prisons, of which 2,206 were women. New York State Department of Correctional Services. (2011). *Under custody report: Profile of inmate population under custody as of January 1, 2011*. Albany, NY: Author.

6 The Osborne Association, (2010). *New York Initiative for Children of Incarcerated Parents Fact Sheet*. Brooklyn, NY.

## 10 STRONGER TOGETHER: VOLUME I

Children with an incarcerated parent may live in high-risk environments and experience a host of consequences, from the emotional and psychological trauma of separation, increased family disintegration and/or dysfunction, residential and financial instability, developmental challenges, social stigma and emotional pain, and a greater likelihood of exposure to extreme poverty.<sup>7</sup>

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**Today, 1 in 9 African-American children (11.4%), 1 in 28 Hispanic children (3.5%) and 1 in 57 Caucasian children (1.8%) have an incarcerated parent.<sup>8</sup>**

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Most commonly, risk factors among children of incarcerated parents operate along two pathways: 1) parental problems that existed prior to and may have contributed to the parent's incarceration (e.g., addiction, mental illness, domestic violence), and 2) problems introduced as a result of the incarceration (e.g., family and school disruption, trauma, grief, stigma).<sup>9</sup> Parental incarceration is recognized as an "adverse childhood experience" (ACE), a measure of childhood trauma developed by the Centers for Disease Control and Prevention.<sup>10</sup> Exposure to multiple ACEs significantly increases the likelihood of long-term negative mental health and health outcomes. Parental incarceration differs from other adverse childhood experiences because of the unique combination of trauma, shame, and stigma.<sup>11</sup> It is important to remember that there is no single story that best describes what it is like for a child to have a parent who is incarcerated. Experiences are diverse and so are their risk and protective factors, and thus, their outcomes as well.

7 Phillips, S.D., Erkanlia, A., Keeler, G.P., Costellow, E.J., & Angold, A. (2006). Disentangling the risks: Parent criminal justice involvement and children's exposure to family risks. *Criminology and Public Policy*, 5, pp. 667-702.

8 The Pew Charitable Trusts: Pew Center on the States. (2010).

9 Phillips, S.D., et al. (2006).

10 For more information on ACE, read the Centers for Disease Control and Prevention Adverse Childhood Experiences (ACE) Study, available at <http://www.cdc.gov/ace/about.htm>.

11 Raimon, M., Lee, A., & Genty, P. (2009). *Sometimes Good Intentions Yield Bad Results: ASFA's Effect on Incarcerated Parents and Their Children*. In *Intentions and Results: A look back at the Adoption and Safe Families Act 121*. [Urban Institute Center for the Study of Social Policy, 2009].

## 11 SECTION 1: WHAT WE KNOW

The level of disruption caused by incarceration is likely related to whether the incarcerated parent was the child's primary caregiver prior to arrest. While fathers are incarcerated at much higher rates than mothers and make up the majority of incarcerated parents, more frequently mothers have been the primary caregiver. However, many fathers report living with their children before their arrest and playing a significant role in their children's lives, including—but not only—financial support.

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**The incarceration of a primary caregiver usually leads to higher levels of destabilization, emotional consequences of separation, and increased risk for negative outcomes.**

---

No matter what the specifics are, there is always an effect on a child when a parent is incarcerated. The effect may not always be visible or obvious, but even children who “do well” bear the heavy burden of stigma. The next section discusses common feelings experienced by the *millions* of children whose parent is or was incarcerated.



**SECTION 2:  
COMMON FEELINGS  
AND EMOTIONS**

While every child responds differently and uniquely, parent-child separation is one of the most serious and potentially traumatic experiences a child can have. **For many children, the experience of a sudden separation from a parent due to arrest can be emotionally devastating, while for others it may be less destabilizing.** Children may have different feelings and sometimes even several feelings at once, or one right after the other. Some common feelings children experience include: fear, anxiety and worry, sadness and isolation, anger, guilt, stigma and shame, confusion about roles, and resentment about deception. Each of these are discussed in the following pages.

## **FEAR, ANXIETY AND WORRY**

The sudden disappearance of a parent is a terrifying experience. “Separation anxiety”—a developmental stage during which a child experiences anxiety/fear when separated from the primary caregiver—is a common response for children whose parent becomes incarcerated. This anxiety can be heightened at young pre-verbal ages when children do not understand where their parent has gone. It can also be affected by whether children witnessed the arrest or found out about their parent’s disappearance later. Reassurance from an adult that the parent will return or that the other parent will be able to take care of the child may not have the desired effect of alleviating the fear and anxiety present. Children may worry that other important people in their lives will disappear, worry about the disappeared parent, or fear for their own safety.

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**“When my mom would call home, I used to ask her, ‘Are you alright? Are they feeding you? Do you have a blanket at night?’ I was only 8 but I was acting like I was the mother.”** *—Jason, age 16*

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Separation anxiety may manifest itself in nightmares, reluctance to go to daycare or school, resistance to staying alone/without a parent or guardian, or clinging behavior to a person, animal or object. A child's fear and anxiety may be further compounded by the uncertainty inherent in the criminal justice process. One of the most burning questions that most children ask is, "When will my mommy/daddy be home?" When children or their parents do not have control over events, cannot explain situations, or are unable to predict outcomes, fear and anxiety tend to increase greatly.

Children may also feel fear about their parents' welfare. Anxiety can stimulate children to pick up information about the more negative and frightening aspects of prison/jail and can lead them to worry about the health, safety and wellbeing of the incarcerated parent. This can lead to a shifting of roles where the child starts to parent the parent. A child's fear can be exacerbated by a lack of information or hiding information, as many children are not told the truth about where their parents are. These issues are discussed further on p. 20.

### SADNESS AND ISOLATION

Children separated from their parents have a tendency to feel abandoned. A child whose parent is incarcerated in most cases misses the parent. He may develop a personal explanation for why the parent is missing and this "explanation" (especially at younger ages) may place blame on the child. For example, "If only I'd behaved better, watched less TV, studied more, prayed more," are some common blame patterns among children. This self-blaming can contribute further to the child's sadness and isolation. It can lead to children questioning their own self-worth and whether they are loveable. Children may believe if their parents really loved them, they would have found a way not to be arrested or incarcerated.

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**"My father was incarcerated and that was a very lonely time for me."**  
*—Dwight, age 15*

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Children with incarcerated parents may also feel isolated from friends. Children can be intolerant of differences, and peers may tease a child about his missing or incarcerated parent. Other peers (and adults) may not know what to say to a child about his new situation and avoid

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contact with the child out of their own discomfort. Children may also feel isolated by normal activities around them such as school events attended by other children's parents, or school assignments such as interviewing a parent about their family tree or having a "bring your parent to school" day. Teachers and other adults may also misunderstand a child's behavior and instead of investigating its roots or seeking counseling/support for the child, may respond in ways that further isolate and separate him. This is particularly true for the child who turns his sadness and isolation outward and expresses anger. Those who turn their feelings inward are often not seen as readily as children with behavior problems needing attention. It is very important to be alert to signs of sadness and isolation in children. Behind these symptoms could be serious questions and troubles requiring intervention.

### ANGER

Anger is a common emotion experienced by children when a parent is incarcerated, though anger can also be felt at the point of a parent's arrest. The child may be angry at the parent for abandoning her, or at the other parent or family members. It is very difficult for the child to express her anger at the incarcerated parent since that parent is not physically present and also may be described by the family as the victim. Often the child's anger is expressed at the remaining parent or caregiver, or against teachers or other adults. In some cases, it can be expressed against the child herself. Children can also feel a more abstract anger at what is happening, at authorities, at "the system," or at the world. They may have witnessed an arrest and be angry at the police. They may feel angry that other children have their parents at home and they don't. They may feel angry at the sentencing judge, the corrections officers, or others. This can be a frustrating anger since children rarely have enough information to form a concrete object for their anger.

Children experiencing anger as a result of the incarceration of a loved one can manifest various behaviors that can be perceived as anger, but are mostly coming from a place of hurt and sadness. When children are observed to be getting in trouble, "rebellious" or not listening, being "delinquent," or behaving differently, a signal is being sent to us that attention and understanding are needed.



## GUILT

Although it is not logical, children often feel they are to blame for the bad things that happen to their loved ones. A child may feel that her parent's incarceration is a result of something he did or said. For example, a child may think, "If I hadn't always been bothering my mom, she wouldn't have been stressed out and gone back to drugs," or "Maybe if I hadn't kept asking for a new bike, my dad wouldn't have stolen that money." When a parent is incarcerated, a child can remember and possibly exaggerate the consequences of normal childhood misbehavior and come to believe that his misbehavior led to or caused his parent's incarceration.

A child who internalizes responsibility for her parent's incarceration is likely to experience guilt. Guilt can cause children to feel negatively about themselves. This can result in the child shying away from or experimenting with new behaviors, challenges, or responsibilities and may lead to a decrease in self-confidence and self-esteem. Additionally, children who believe they are the cause of their parent's incarceration may unconsciously seek punishment through provocative or antisocial behavior.

During a parent's incarceration, children can also experience another form of guilt: that associated with being on the "outside" and living life while their parent remains locked "inside." Children can feel guilty for enjoying events and milestones that their parent cannot and may even put off certain milestones (such as graduations and trips) so that they can hopefully experience these when their parent comes home. This can also be related to sadness and helplessness (sometimes more than guilt), as children want to share these experiences with a parent who is unable to participate and be physically present in their daily world and their growing up process.

Children may experience myriad feelings and emotions related to their parent's incarceration; some may be noticeable while others may not. Regardless, children should be observed, supported and, most importantly, listened to while they cope with this challenging time. **Anxiety, sadness, anger and guilt** are suffered by most children who are faced with parental loss. Children who are separated from their parents because of incarceration deal with the additional burden of *stigma*.

## SHIRLEY

Shirley was 8 years old when her father was arrested. She went to live with her grandmother who told her this was not her fault. Shirley's school counselor also told her this wasn't her fault. But Shirley didn't believe them. The day her father was arrested, Shirley had forgotten her keys at school and had to go to a neighbor's house. This threw everything off and she was sure that it was because of this that her dad was arrested. Shirley became very serious and sad for her age. She often walked looking down at her feet. Finally, her Grandma was able to take Shirley to visit her father. Her dad sat Shirley on his lap and told her that he made some mistakes and couldn't be home right now but that this was not her fault. Hearing it from her dad somehow made all the difference for Shirley and she felt a huge weight lifted off her. She said, "Really Dad? You're not here because I forgot my keys at school?" When she left the visit, Shirley skipped for the first time in a long time and sang a song she made up herself, "He's not mad at me...it's not my fault."

## STIGMA AND SHAME

The stigma experienced by the families of those who commit crimes is real and it is painful. Children may find themselves subject to taunts, isolation or other rejecting behavior by peers and adults.

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*“I did a presentation at my school about having a parent who is incarcerated because my father is. When I started, I asked how many kids had an incarcerated parent and 3 raised their hands. When I finished I asked the same question again and 15 said they did. It’s hard to come out and talk about this.”*

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*—Jahnay, age 16*

A child whose parent is incarcerated often feels torn between his emotions: he misses the parent and is angry at the parent; he may admire the parent and be ashamed at the same time; he may feel loyal to and also want to reject the parent. Taunts and rejection by others put this cauldron of emotion under intense pressure. Children in this situation can experience anger at those who criticize their incarcerated parent and may be moved to aggression in defense of the parent. They may also feel intense shame about the parent and move to reject and disavow their parent. Many children feel a combination of these emotions, although one feeling may be stronger at a particular time.

Stigma also serves to increase the isolation felt by a child of an incarcerated parent. This is an inwardly expressed emotion and those caring for or working with children of incarcerated parents should be aware that children who are not “acting out” may be struggling as much as those who are. While children who are separated from a parent through death or divorce can find solace and support outside the family in friends, relatives or teachers, children who have a parent in prison may feel unable to seek out such support for fear of rejection. This may be especially so for children of parents whose crimes are “white collar,” sex offenses, crimes against children, or high profile crimes. The language that caretakers and professionals use can unintentionally increase the isolation and stigma children experience. Frequently used terms such as “convict,” “offender,” and “inmate” (among others) to refer to a child’s mom or

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dad are not helpful for children and can serve to add to the stigma and shame they feel, and further isolate them. It is much more helpful to refer to *parents* who are incarcerated, formerly incarcerated *parents* or *people*, all of which recognize the humanity and parental role of the person who is incarcerated.

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**“After my dad was arrested, suddenly my best friend said I wasn’t allowed to come to her house any more. She said her mom said my family was a bad influence. That really hurt...and made me mad.”** —*Shanise, age 10*

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Because of all of this, children may be hesitant to ask for help and resist it when/if it is offered. Therefore, individuals who work with children of incarcerated parents should be aware of the reality of stigma and the potential feelings and/or behaviors associated with it. It is important to be attuned to the subtle cries for help that may lie beneath a child’s behavior, moods or attitudes.

### CONFUSION ABOUT VALUES

Children learn not only by what their parents tell them but also by incorporating what their parents do, who they are and how they act. Incarceration represents a serious challenge to the child’s identity formation process. While a child may have heard from her parents about proper behavior and attitude, criminal activity on the part of the parent sends the child powerful, contradictory, and confusing messages. “Do as I say, not as I do,” is not an effective parenting technique, as children are looking to their parents to model—not just talk about—the values and behavior expected. Careful attention must be paid by family members—and ideally by incarcerated parents themselves—to help the child work through this challenging situation. When parents can take responsibility for their actions, acknowledge poor choices, and attempt to make amends for the harm done, this can be very powerful for children. Family members and professionals who can assist children in connecting with positive aspects of their parents can also help the children see themselves in certain aspects of the parent but not in others, thereby creating for themselves a future identity that includes their parent’s strengths, but does not include their parent’s criminal activity. Without

these efforts on the part of parents and professionals, there is the risk that the child will identify with the parent's criminal or antisocial behavior, increasing the child's likelihood of negative outcomes.

## **CONFUSION ABOUT ROLES**

A frequent consequence of incarceration is that a child may be moved to occupy the place or role left vacant by the incarcerated parent. A child may be forced to become the "man or woman of the house," to parent her siblings, provide advice to children or other adults in the family, and sometimes even to become an economic provider for the family. While children may want to help out during a time of stress and re-shifting of family responsibilities, family members and professionals working with families should be mindful that these are usually roles too big to fill and children should be protected from assuming responsibilities beyond their age-appropriate means. While easier said than done, it is important to try to protect children and to allow them to remain children through this difficult time.

## **RESENTMENT ABOUT DECEPTION**

As a result of the stigma discussed earlier, families faced with the reality of incarceration often try to hide the fact that they have a loved one in prison. Frequently used "cover up stories" include telling children their parents are away at school, in the military, working out of state, or in the hospital.

Though it may be well-intentioned, deception rarely succeeds, either in keeping a secret or protecting a child. Children are remarkably perceptive about what is going on around them. Instead of protecting the child from hurtful knowledge of the truth, deception tends to make the child feel more anxious, helpless, and isolated. A child who is not certain about what has happened to his parent may become preoccupied with worries and fears. In a household where the truth cannot be discussed, the child can become obsessed with thinking about the parent who has left. Children may come to believe that if adults are not telling them the truth, then the truth may be even more unbearably awful than previously thought. A child who has been told a false story about his missing parent has no outlet for his own anger, frustration, confusion and grief. How can he express his feelings to the adults around him when he isn't

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supposed to know the story? If he has been told everything is really all right, how can he tell people that he is feeling upset, sad, and angry? And if he is not being told the truth about his parent, how can he trust that anything he is told is truthful? Children from whom the facts have been withheld are likely to resent those who deceived them when they find out the truth—as they almost always do.

Keep in mind that nowadays it is also possible for children to find out all about their parents through the Internet. Websites of corrections agencies generally include information about the whereabouts, criminal charges, sentence length and possible or anticipated release dates for people in their custody. For all of these reasons, a “truth fit to tell”—one that is developmentally appropriate—is what is best for children.<sup>12</sup> What is told, how it is told, with what degree of detail, in what sequence, in how many conversations, are all important, as are the subtle nuances that take into account the developmental readiness of the child, the family style of communication, and the values of the community. The parent or caregiver in the community (including foster parents and case-workers when children are in foster care) can benefit from assistance in deciding what to tell children and when to tell it. This is discussed in detail in **Volume II**.<sup>13</sup>

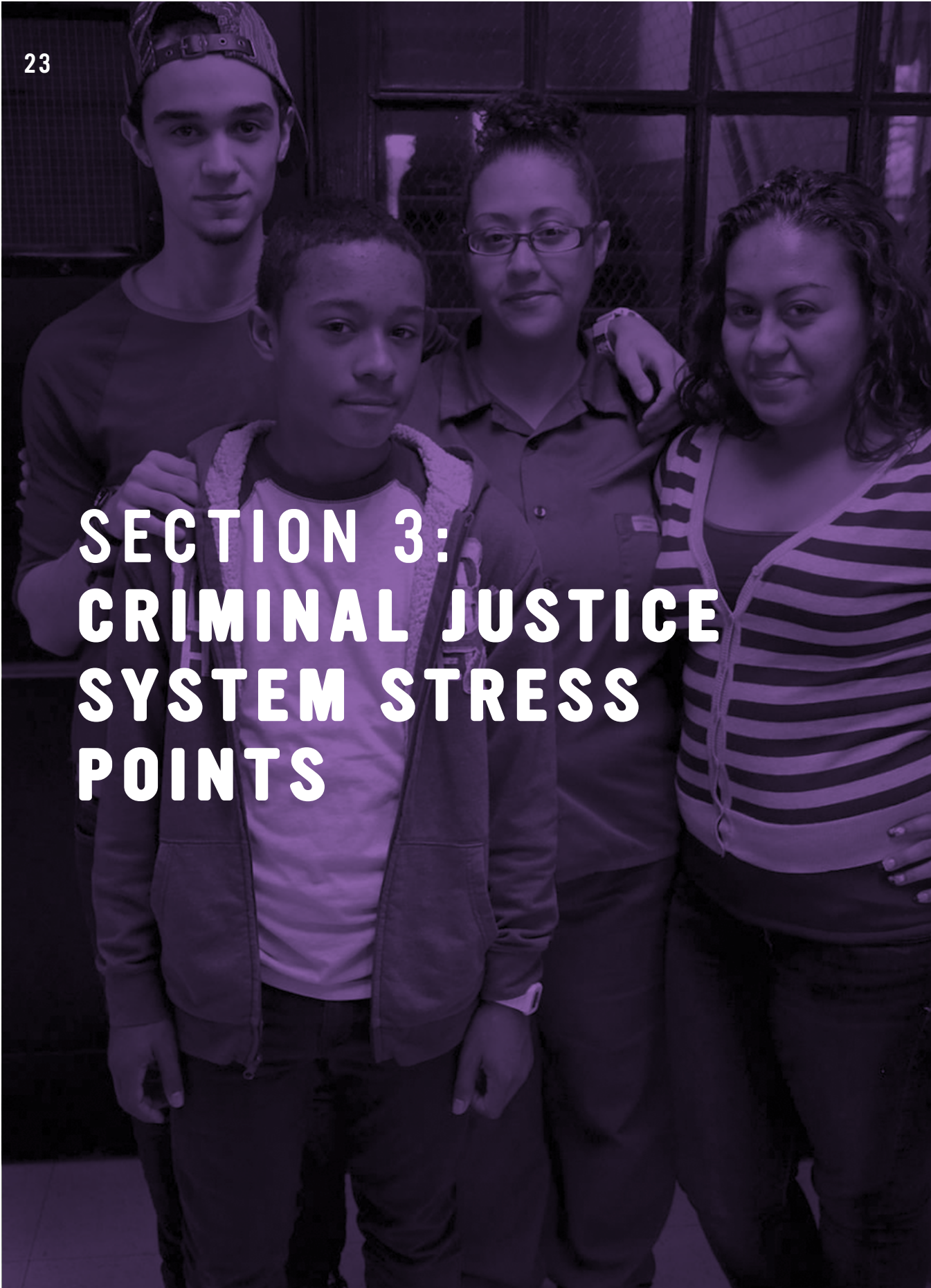
These are some of the most typical feelings and emotions experienced by children coping with the incarceration of a parent. The next section outlines some of the common behaviors and reactions of children in general, and at different points along the criminal justice system.

12 The phrase, “truth fit to tell” has been used by Nell Bernstein, author and Coordinator of the San Francisco Children of Incarcerated Parents Partnership.

13 See *Stronger Together, Volume II: Maintaining and Strengthening Family Ties for Children of Incarcerated Parents*, Section 3: Supporting Positive Visiting Experiences for Children, “Preparing Children,” pp.17-20.

“As a young child I thought for a long time that my father was away in school. When my grandmother passed away (my father’s mother), he came to the funeral. It wasn’t until then, when I saw him chained and shackled, that I realized he was in prison, not school. I went up to my father to give him a hug, and the CO [correctional officer] had to remove his shackles and handcuffs in order for me to embrace him. I was young at the time but looking back now, I would have appreciated being told the truth about where my father was. It would have made me more trusting of my family then and now.”

—*Ryan, age 18*



**SECTION 3:  
CRIMINAL JUSTICE  
SYSTEM STRESS  
POINTS**



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While there are common behaviors that many children exhibit, it is important to remember that each child copes and responds differently, with multiple factors contributing to his responses. Common behaviors and responses to parental arrest and its aftermath may include:

- developing physical symptoms: headaches, stomach aches, other illnesses or injuries, having nightmares, beginning to fear the dark, or clinging to the remaining parent or caretaker;
- showing signs of regression, for example, exhibiting behaviors of younger children such as bedwetting or thumb-sucking;
- withdrawing from friends and social relationships or previously enjoyed activities;
- retreating into denial and/or a fantasy world;
- showing anger, aggression, and hostility toward the adult in charge or toward other authority figures, like teachers;
- becoming disobedient and defiant at home or school, refusing to obey previously obeyed rules;
- suffering a decline in school work and social relationships at school or beginning to skip school.

### STRESS POINTS

Just as previous family history and a child's developmental level will affect her response, so too may specific points of the criminal justice system trigger a reaction. Particular points of crisis can arise around the time of arrest, again during plea negotiations or trial, at sentencing, if/when the parent goes to prison, and before, during and after parole hearings.<sup>14</sup> Stress that may have subsided over the course of a parent's incarceration may emerge again after the parent comes home. Sometimes the worrisome behaviors children exhibit come and go; they may appear near the parent's arrest only to disappear and then reappear

14 While some parents have determinate sentences with known release dates, many do not. Many have discretionary release dates (indeterminate sentences), with a date set for their Parole Board hearing. If release is granted, the Parole Board will then set a date for release.

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at a later point. A child who stops “acting out” may still be in pain, so it remains important to check in and offer consistent support even in the absence of loud cries for help.

### ARREST

The trauma experienced by the child who has a parent taken from him is extraordinary, even more so if the child witnesses the arrest of the parent. The image of the person you love, respect, and depend on being handcuffed and forcibly taken away is devastating; even for children who do not witness the arrest, the image can be terrifying. Research found that children who witness their parent being arrested experience this as watching their parent being assaulted,<sup>15</sup> which can also lead to negative feelings about law enforcement and the law. The arrest experience, plus the negative images portrayed by the media, can exacerbate a child’s fear and lead the child to envision the worst about the parent’s condition. Usually, neither families nor children have information about the arrest, arraignment and detention process, and children may worry about how, when and if they will ever see their mother or father again. A parent’s arrest is much more common than a parent’s incarceration, since most arrests do not actually lead to jail or prison sentences. Those who work with children should be mindful that parental arrest is not an uncommon experience for children, particularly in neighborhoods that are heavily policed, where young men are frequently stopped and frisked, often leading to arrests that lead to at least 2-3 days in custody. During much of this time, no one knows exactly where the parent is, or what is happening, and the adults are as confused as the children, often not paying attention to the children’s feelings because of their own.

### PRE-TRIAL AND DURING TRIAL

The arrested parent may be detained during the pre-trial period or may be released on bail. In either case, it is a period of great uncertainty, when making plans is impossible since the outcomes are unpredictable. The child whose world has been suddenly disrupted is often unable to get answers to her questions, and does not know what is expected of her during this time of distress. It is often upsetting for children that the adults in their lives—whom they perceived as “all-knowing” and “all-powerful”—appear to be helpless and clueless.

15 Bernstein, N. (2005), *All Alone in the World: Children of the Incarcerated* (p. 95). New York, NY: The New Press.

## SENTENCING

For the child and other family members, a prison sentence usually comes as a shock. While this may sound strange to those who work in the criminal justice system, and know that lawyers will generally have provided at least some warning of the possible outcome, families often continue to hope for a miracle, and friends and extended family may try to reassure them that their loved one will get the lightest sentence. Since family members are rarely considered when a sentence is imposed, and typically have little information or control at the sentencing phase, family members may neglect to discuss what might happen with children. This can leave children alone with their fears, struggles and changing feelings about what is happening. Even when the sentence is as expected, the sentence makes the fears around separation a reality for families, and the image of a steel door closing behind them can be very real for children. Complicating this further is that the sentencing phase can also extend for months, which is an eternity for children. During this time, the parent is often in a jail where visiting may be difficult or severely limited compared to prison.

## INCARCERATION

For the child and other family members, the set of emotions experienced during incarceration is often compared to the loss of a family member to death. This metaphor does not take into consideration how shame, stigma and humiliation about prison life affect the child, nor the complicated, ambiguous and undefined nature of this deep loss. Children are aware of the gravity of the situation and may conjure up negative visions of what life in prison is like. Further complications occur when the remaining parent or caregiver is reluctant to allow children to visit a prison, whether to “protect” the child from further harm and distress or to punish the incarcerated individual by withholding love and visits. See **Volume II** for a detailed discussion of visiting.

## PAROLE

For people who do not have a definite release date, the time leading up to a parole hearing can be very stressful for children who are aware of what is happening. Many children want to know what they can do to help their parent “get out.” Some children also worry that their parent will “mess up” or do something that will cause the Parole Board to deny their release. The hopefulness and anxiety around this time has a

## ELLEN

When Ellen's father was first incarcerated, she wanted to stay home from school to be with her mother, and to sleep with her mother at night, but her mother was becoming much less fun to be with. Ellen's mother was sometimes angry that her husband had gotten himself into this mess, but she stuck by him and expected Ellen to do the same. When her husband was sent "upstate" to a prison nearly three hours from home, she would get up early on Saturday and get Ellen all dressed up to take the bus, train and taxi to get to the prison. If they got there early enough to avoid the long lines, they could sometimes visit for five hours before returning home.

At first, Ellen enjoyed the visits. She missed her father terribly, and was happy to see him. She worried about him when she didn't see him. When they visited, he made a big fuss over her. Her mother would tell her father about what a good girl she was, and her father would remind her to take care of her mother. But as she got older, she got tired of the long rides and the visits. She still wanted to visit, but she and her mother went less often. Her mother seemed less angry, and she and Ellen grew closer as they adjusted to this new family arrangement. Ellen still didn't tell her friends though and worried about what they would think of her and her family if they found out.

big impact on family members and children, although sometimes the incarcerated parent is so focused on his own preparation that he forgets about how much it means to his family. If the parole board's decision is positive, it can be a time of extreme joy and celebration. But even this welcome event can bring with it much tension as families prepare for the transition that some think will bring the end of the stressful times. If parole is denied, it is likely to be accompanied by anger, frustration, sadness and despair. Particularly as adult members process the news, they may be coping with their own feelings and not have much reserve left to be there to help children understand. There is a grieving process that can occur after a parole denial, with various stages of feelings taking place (anger, sadness, acceptance). Some children are angry with their parent, some with the "system," and some lose respect for the law when they feel their parent has done everything possible to demonstrate rehabilitation and yet still will not be released. This is a trauma that is often invisible to those outside of the family, and that serves to increase children's feelings of isolation.

Children whose parents are under parole supervision may be unaware of their parent's status or reporting requirements, which can place limitations on a parent's ability to fully parent. Parents may be limited by curfew and geographic restrictions that may prohibit them from taking their children places or participating in certain activities with them.

### **PRE-RELEASE AND REENTRY**

Interestingly, the times just before and after release can be the most challenging for children and families. Problems that were present in the household before the incarceration are typically not dealt with while the individual is away and may greet everyone upon return. Children and families change during a parent's incarceration: children grow older and are at a different stage of development and need different things from their parents. They have also had to adapt and learn to cope day to day without the parent's presence and accessible guidance/involvement. Incarcerated parents may think of and parent the children at the age they were prior to the incarceration, and may continue to treat them that way unconsciously as they plan to resume parenting in the community.

The other custodial parent has also likely changed. In two-parent families, the parent left behind has gained independence and competence in areas previously handled by the partner. There may be considerable

## TINA

Tina spoke with her mom by telephone and televisited with her in the months leading up to her parole hearing (since the prison was over 8 hours away).<sup>16</sup> At first, neither one mentioned the upcoming date though it was on both of their minds. Tina was too scared to hope that this time her mom would come home. After 12 years of growing up without her mom, she rarely let herself imagine life with her mother present on a daily basis. Still, she couldn't help wanting her mom home more than anything else in the world. Finally, she and her mom did talk about it. Tina asked her mom to please, please, please not get into any trouble and her mom forewarned Tina that while she would try her best, the Parole Board made its own decisions. Tina submitted a letter to the Parole Board asking them to please release her mom. She was now 16 and really needed her mom home. The day came and went, and Tina had no news. Then she found out from an uncle that her mom was denied parole. She was so hurt by the news and almost even more hurt that her mom hadn't called to tell her. She didn't realize that her mother felt so disappointed, hurt and ashamed that she couldn't bring herself to face her daughter.

16 Televisiting is a form of communication between children and incarcerated parents that was first offered in New York State at Albion Correctional Facility, the largest women's prison in New York State, located by the Canadian border. In partnership with The Osborne Association, Albion offers a televisiting program where children in the New York City area go to Osborne's offices and televisit with their mothers in a comfortable, child-friendly room. (See also, **Volume II**, p. 53.)

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tension about how the marital/committed relationship can go forward. The incarcerated parent has also changed. She has been living in a place where one suffers a loss of identity and respect, where anger and hostility are common, and where there is no privacy. He may have been forbidden to act on feelings or make any decisions regarding personal preferences. And the world he or she is returning to has changed significantly, particularly if the sentence served was long. Some people come home from prison having never seen a mobile phone, surfed the Internet, or paid so much for a cup of coffee. Their children seem to have more to teach them than to learn from them.

For families formed during incarceration—children born or step families created—the adjustment is significant, having never experienced daily family life together in the community. Finally, the expectations are high for parents coming home; they are expected to make up for the time that they spent away from their children and families, but this is a debt that cannot be repaid easily.

Despite the need for support at this time, there is little support or transitional counseling available to families to help them through this difficult time. The assumption that the hard times are over when incarceration ends can make the serious challenges families face upon reentry come as a rude and often painful awakening. This can be isolating, as those surrounding the family may also assume their difficulties are over and not offer support. While the reunion may be happy, many children and families report tremendous challenges and stress during the period of reentry, particularly if the separation has been very long.

## **DANIEL**

Daniel was 17 when his mom came home after four years in Federal prison. It was an adjustment for them both. At first, Daniel kept his distance—protecting himself from being hurt again—but he also wanted to regain the time they had missed together and did not want to be far away from her. Applying to colleges, he changed his mind and decided to stay in his home town instead of going away, which he had thought he wanted to do. He also became concerned with his mom’s being rejected from so many job interviews. He encouraged her to apply to college as well, telling her that they could do this together. Daniel did some research, found his mom a program specifically for women coming home from prison, and set up an appointment for her. He joked with her that he was her mother, but as time went on, he let go of his defensiveness and was happy to be her son again. They are now both in college and adjusting to being together again.





**SECTION 4:  
INDIVIDUAL  
EXPERIENCES,  
DIVERSE  
RESPONSES**

The feelings and challenges a child experiences and whether the child manifests behavior problems (and what those look like) will depend on many factors, including:

- the child's age and stage of development;
- the emotional atmosphere within the family (before the incarceration as well as after) and how well the remaining parent or caregiver is dealing with the crisis;
- how disruptive of everyday life the arrest or incarceration is (for example, whether the child enters foster care or has to change homes or schools);
- the quality of the parent-child relationship prior to incarceration;
- the child's individual coping abilities;
- the nature of the crime and the length of the sentence;
- the outside support systems available to the family.

## AGE AND STAGE OF DEVELOPMENT

Children need different things from their parents at different stages of their lives. The child who is one or two years old is learning to develop trust in the world. Such children need to have a consistent caregiver to meet their needs reliably. A child whose parent is suddenly absent from her world may have trouble developing trust in others. At this age, a child who loses the primary caregiver will experience this as a trauma which threatens her future ability to attach, trust and have healthy relationships. According to the American Academy of Pediatrics, "An intervention that separates a child from the primary caregiver who provides psychological support should be cautiously considered and treated as a matter of urgency and profound importance."<sup>17</sup>

The pre-schooler is still very dependent on her parents but is learning independence. The tug between the need to be dependent and the desire for independence makes this a particularly difficult age for children who are separated from a parent. In addition, the new demands

17 American Academy of Pediatrics: Committee on Early Childhood, Adoption, and Dependent Care. (2000). Developmental issues of young children in foster care. *Pediatrics*, 106 (5). 1145-1150.

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made by the outside world for self-control may lead children this age to engage in magical thinking, creating the fantasy that they are in some way responsible for the separation. Children this age (and older) may regress in behavior, experiencing bed-wetting and other symptoms. Pre-schoolers tend to develop a strong attachment to the opposite sex parent/caregiver. If it is that parent who is incarcerated, the child may be especially angry and may express it by acting with hostility toward the remaining parent, or by directing the anger inward.

School-age children still place parents at the center of their world and will experience sadness (and possibly devastation if it is their primary caregiver who becomes incarcerated) at the separation. At this stage, children are beginning to understand that there are problems and solutions, but have not yet developed a mature ability to reason from one to the other. Children this age and older may be particularly vulnerable to believing that they are responsible for their parent's behavior. At this age, experiencing success and developing a sense of competence are very important. This can be threatened by taunts and bullying by classmates or family members who are aware of the parent's incarceration.

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**“The hardest part of my school experiences while my father was incarcerated—and he’s been incarcerated since I was 4—was not having him at my graduations, especially high school.”** *—Kevin, age 19*

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During the teenage years youth begin to develop separate identities, recognizing themselves as distinct from their parents, but at the same time often seeking their parents' approval and praise. The regard of peers is also important, and teenagers strive to fit in with “the crowd.” Feeling outcast or excluded from a crowd because of a parent's incarceration can occur at this stage. Children of parents involved in the criminal justice system may also harbor fears that they too, will become just like their parent(s) based on assumptions that surround them.

At this age (and the previous ages as well), peer support and activities which connect children with other children who also have an incarcerated parent can have a powerful, positive impact.

## EMOTIONAL ATMOSPHERE WITHIN THE FAMILY

Most studies show that for children who exhibit the most challenging behaviors, the arrest or incarceration of the parent is only the precipitating factor.<sup>18</sup> These children have most likely already been exposed to multiple crises and stresses in the home, such as substance use, domestic violence, mental health issues, instability of living situations and negative encounters with law enforcement officials. Substance use and abuse is a significant factor in the arrest and incarceration of individuals. A recent report by the Center for Alcohol and Substance Abuse (CASA) at Columbia University claims that 85% of people in prison need substance abuse treatment.<sup>19</sup> The report also notes that only 11% of individuals in prison who need treatment are receiving treatment.<sup>20</sup>

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“We all struggle with our identity. Will we become our parents? Is being a criminal part of who we are?”

—Khadesia, age 15

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Addiction often affects children prior to their parent’s arrest and/or incarceration. People struggling with substance abuse can be erratic and neglectful in their parenting since the nature of addiction typically places the priority on obtaining the drug. This does not mean that parents who abuse alcohol and other drugs do not love their children. Many parents continue to love and provide for their children despite their addictions and do not realize how their addiction is affecting their children. Some think they are hiding this from their children or protecting them from any effects by not consuming substances directly in front of them. Children—particularly older children—are often well aware of their parent’s drug and alcohol use and worry about overdose or other harmful effects. Parental substance abuse generally affects the stability of the family and can impact the way a child reacts to his parent’s incarceration (including relief at knowing where the parent is and that she will not overdose).

18 Different Children/Behaviors. (n.d.) In *Children of Prisoners Library CPL304*. Retrieved from <http://www.fcnetwork.org/cpl/CPL304-Different.pdf>.

19 CASA (2010) *Behind Bars II; Substance Abuse and America’s Prison Population*.

20 CASA (2010). *Ibid*.

Children who experience the loss of one parent to incarceration will need to know that the other parent—or someone they know and love—will be able to take care of them. If it is the primary caregiver who is incarcerated, children may panic that there is no one to step in and assume this role. Thus, the way in which the remaining parent or caregiver copes with the crisis of incarceration will have a profound effect on the child. If the remaining parent or caregiver is aware of the child's emotions and needs, the child's stress will be significantly reduced. If the remaining parent or caregiver is depressed or angry or overwhelmed (all understandable), the child will pick up on the fact that the caregiver is not available and that there is no one to care for him. If caregivers also complain to the child or take their anger out on him, the stress and trauma experienced by the child is worsened. When caregivers who are strangers to the child step in—foster parents or unknown friends or relatives—children's anxiety, fear, and stress can be greatly increased, and professional intervention may be needed (particularly for young children).

## **LEVEL OF DISRUPTION**

The disruption a child experiences will depend in part on how much the arrest or incarceration of a parent alters the child's everyday life. Perhaps his remaining caregiver will have to go to work for the first time or may have to quit her job to stay home with younger children. Another possibility is that the family may be forced to move from their home to live with relatives or friends, possibly causing the children to miss school or change schools. The most disruptive case often is when a child has to go into foster care. Typically, the more a child's everyday reality (caretakers, neighborhood, school) changes, the more difficult it will be for him to cope with the arrest or incarceration of a parent.

## **JUSTIN**

After his mother's arrest, 8-year-old Justin stayed with his grandmother for two weeks. They were not a happy two weeks. Justin's grandmother was very angry with his mother. She kept talking about how she had told her to end her relationship with her boyfriend who was nothing but trouble, but she didn't listen. Justin felt lost without his mother. He had never been apart from her except for some sleepovers, and now he was afraid that he would never see her again. He was afraid to talk to his grandmother or ask her any questions. If he let her know how much he missed his mother, she might get so angry she would throw Justin out for still wanting to be with her.

His grandmother refused to take Justin to Rikers Island to visit his mother, saying she was too old and too sick to make that stressful trip. Nevertheless, Justin spoke with his mother on the phone almost every day. Now, Justin is sitting in a social worker's office, holding a stuffed animal, rocking and talking softly to himself. His mother was recently convicted and sentenced to 10 months in jail. Justin is being placed in foster care because his grandmother isn't well and can't provide for him; she also says she can't handle Justin's behavior which she says is alternatively clingy and rebellious.

## INDIVIDUAL COPING ABILITY

Each child is unique, each family different, and the role of each child within a family varies. Children who appear to face similar situations, with parents facing similar changes, may react in widely divergent ways to their parent's arrest and incarceration. Children—even within the same family—may respond in different ways, based on temperament, personality, age, prior experiences, level of attachment to the parent, and coping styles.

It is important to be aware that those children who seem to be coping quite well with a parent's arrest or incarceration may be silently suffering intense emotions. While the behavior may seem ordinary, all children undergoing the stress of having a parent involved in the criminal justice system are feeling one or more of the emotions—sadness, anxiety, anger, guilt, and the pain of stigma—triggered by their parent's incarceration. A child whose behavior seems normal may need just as much support as a child who is obviously depressed, anxious, or angry.

The degree of previous loss and trauma experienced by the child prior to the parent's incarceration also affects the child's coping ability. Cumulative losses take their toll on a child's resilience and ability to endure and bounce back.<sup>21</sup>

## NATURE OF THE CRIME AND LENGTH OF SENTENCE

The stigma of a parent's arrest can vary with the type of crime charged (including whether it was a high profile crime receiving media attention) and the child's social context. When a parent is charged with a sexually-based crime or a child-related crime, their children may experience intense and confusing feelings; parents are supposed to protect a child from harm, not inflict harm. In fact, people in prison for sexually-based and child-related crimes represent a small sliver of the population, but they receive enormous attention and have extreme stigma attached to them. While it is generally assumed that no parent-child contact is best in these cases, children (particularly older children) may want supported, therapeutic contact at some point to help them process and heal. This

21 New York City Early Childhood Mental Health Strategic Work Group. (2004). *Promoting the mental health and healthy development of New York's infants, toddlers, and preschoolers: A call to action*. New York, NY: Author.

## 39 SECTION 4: INDIVIDUAL EXPERIENCES, DIVERSE RESPONSES

requires careful assessment and re-assessment over time (see **Volume II** for a detailed discussion about visiting).

The length of sentence can also affect how a child copes with a parent's incarceration. Time moves more slowly for children than it does for adults. A sentence of one year may seem like a very, very long time. A sentence of four years can be an eternity. A sentence of eight years for a young child is literally unfathomable. Generally, the longer the child is separated from the parent, the more difficult it will be for her. It is also extremely important to be aware of how time is discussed with younger children. It is best to avoid commonly thrown around phrases such as, "Mom will be home *soon*," because "soon" to an adult can refer to one year, while to a child, he may wake up the next day expecting his mom to be home. This is also important to discuss with incarcerated parents who may want to reassure their children that they will be home soon, but can end up disappointing or misleading them.

According to one child whose father was incarcerated for much of her life, "Many people think we're doing a service to children, when a parent is doing life, in having them sever contact. But as children, we understand who we are as human beings by understanding who our parents are."<sup>22</sup>

### OUTSIDE SUPPORTS

Outside supports can assist children in coping with the pain of their parent's absence. These supports can be individuals or community or faith groups or programs. These supports can be financial, logistical, social or emotional. A grandmother, favorite uncle, or teacher can play an important role in supplying a child with *some* of the needs that are not being met by the incarcerated parent. A peer support group or community program, particularly one that discusses parental incarceration openly and nonjudgmentally, can provide young people with a sense of belonging and normalcy that may be lacking in other aspects of their lives.

Because arrests occur with greater frequency in some communities than others, it is often assumed that children in high incarceration communities are less stigmatized and better able to talk about—and get support for—their circumstances. These assumptions are not supported by research or experience.

22 Quoting Emani Davis, Bernstein, N. (2005), *All Alone in the World: Children of the Incarcerated* (p. 95). New York, NY: The New Press.





**SECTION 5:  
WHAT CAN *YOU* DO?**

For parents, caregivers and individuals engaged with children during and after their parents' arrest and incarceration, it is important to understand the many feelings children will have, as well as how these may be expressed in their behaviors and activities. But understanding is not enough; actions are what will make the difference. Here are some concrete ways you can support children:

**ACKNOWLEDGE/VALIDATE THE EXPERIENCE:**

Children need to have an adult acknowledge their painful and conflicted feelings. Remember, although an adult may be well intentioned when telling a child not to worry, or responding by minimizing the loss expressed, or deceiving a child about the parent's actual circumstances, what helps children is validating their experiences, their feelings, fears, anger, and guilt. It is most important that we listen and respond with age-appropriate truths, when possible. Providing "answers" is not as important.

**BE AWARE OF POTENTIAL EMOTIONS/REACTIONS:**

You should be aware that the child need not have been living with the parent who has been arrested or incarcerated to feel a range of strong emotions. Ask open-ended questions about her feelings, like "Are you thinking a lot about your mom/dad these days? Do you want to talk about it?" Allow children to express their feelings. Respond to the feelings expressed; don't tell children what they should be feeling.

**DON'T LECTURE, BUT RATHER ASK QUESTIONS:**

Ask whether anything is bothering the child. You might say that you noticed a change in behavior. "You're usually the first one out on the basketball court and now I don't see you. Is anything up?" Or, "You got a C on this paper. It's not like you to hand in this kind of work." Or, "Is everything all right at home?" Or, "You are so quiet and seem sad. Is there something I can do?"

**PROACTIVELY SIGNAL THAT YOU ARE SOMEONE (OPEN AND NONJUDGMENTAL) THEY CAN TALK TO ABOUT INCARCERATION:**

Post the *Children of Incarcerated Parents' Bill of Rights* (see inside back cover) in your office or worksite where children can see it. Include mention of parental incarceration on intake forms, in examples used when talking about stressors children face, and more. Your acknowledgment of this issue will make it much easier and safer for children and youth to talk about their own parent's incarceration.

There will be times when a child denies that anything is wrong. It may be that the child does not truly know what has happened to his parent or that she has been told not to tell anyone, or that he has had a negative experience with a helping professional or adult to whom he disclosed in the past. Some important points to keep in mind:

- If you can't determine the cause of the child's change in behavior or demeanor by asking him, you might consider approaching his parent or other caretaker, as you normally would in dealing with a child's problem.
- It is wise to focus on your perceptions of how the child has changed and not to suggest any particular cause. If the family does not want to tell you that the parent has been incarcerated, you may alienate them by suggesting any such thing.
- A family that will admit to you that a parent has been arrested, but does not want the child to know, may benefit from suggestions about how to tell the child an age-appropriate truth and why this is important (the benefits of doing so) (See **Volume II**, p. 18).

## RESOURCES TO SUPPORT YOU

A detailed list of resources is available on the Osborne Association's website, along with many helpful materials about the criminal justice system and its impact on children and families ([www.osborneny.org](http://www.osborneny.org)). Also, please contact us through our toll-free helpline 1-800-344-3314. Osborne staff and volunteers can provide you with information and assistance regarding maintaining communications between incarcerated parents and their children. Osborne offers programs for children of incarcerated parents, for incarcerated parents, and parents returning home, a support group for caregivers and family members, a national hotline for family members of the incarcerated, and much more. We can lead you to other excellent programs and services of value to the children with whom you work, live and play.

## TEN TIPS FOR SUPPORTING CHILDREN WITH INCARCERATED PARENTS:<sup>23</sup>

- 1 Assess your own values and beliefs** regarding incarcerated people and their families. News media and television shows provide sensational but not especially accurate or representative descriptions of people who have committed crimes, the prisons in which they are held, and the families they leave behind, perhaps affecting your approaches and responses in your own work.
- 2 Commit to being an active, non-judgmental listener.** Let the child lead the conversation and respond with encouraging, open-ended questions when appropriate. Try not to press the issue, pry for your personal purposes or curiosity, or ask for more details than you need to know to be of help.
- 3 Be conscious of your language (including body language).** Try to stay away from using words such as “inmate,” “ex-offender,” “convict,” “prisoner,” “murderer” as it may alienate the child and the parent. Instead, try using language that respects the individual as a human being before you define him by his actions. For example, a person charged with a crime, a parent who is incarcerated or a person who is formerly incarcerated.
- 4 Invest time in educating yourself and getting training** about the different stages of incarceration, how the criminal justice system works and its impact on children.
- 5 Respect confidentiality.** When a young person shares personal information about her experience with a parent’s incarceration, you have likely developed a level of trust in the relationship with that young person. A breach of this confidence can have negative consequences for the youth and make it hard for her to trust you again. If it becomes absolutely necessary to share the information (i.e., if the young person threatens to hurt herself or someone else) then it is important to communicate with the young person that you will have to share this information. Let young people

23 The Osborne Association Youth Advisory Board (2009). *Ten tips for supporting children with incarcerated parents* [Fact Sheet].

## 45 SECTION 5: WHAT CAN YOU DO?

know that what they share is confidential except in situations where it is felt that they are a danger to themselves or to others.

- 6 **Include parental or family incarceration on appropriate forms/records utilized by your agency** so that service providers, teachers, and mentors may be aware of the challenges a young person is facing. A child who can “check the box” indicating they have a parent who is incarcerated is being told by its presence on the form that this is a common, anticipated experience. Their disclosure not only helps determine how many children are affected, but can lead to further development of services to meet their needs.
- 7 **Support the parent-child relationship** through encouraging and helping to facilitate visits, letter writing and phone contact. In most cases this will be in the best interest of the child and parent.
- 8 **Create/support counseling and other after-school programs** that students can join voluntarily. Consider researching current groups that youth can join and encourage their participation.
- 9 **Post realistic/sensitive posters or pictures on the theme of parental separation**, including multiple ways that families are separated such as divorce, incarceration, illness, and military deployment.
- 10 **Become familiar with, post publicly, and help enact the *Children of Incarcerated Parents’ Bill of Rights*.**<sup>24</sup>

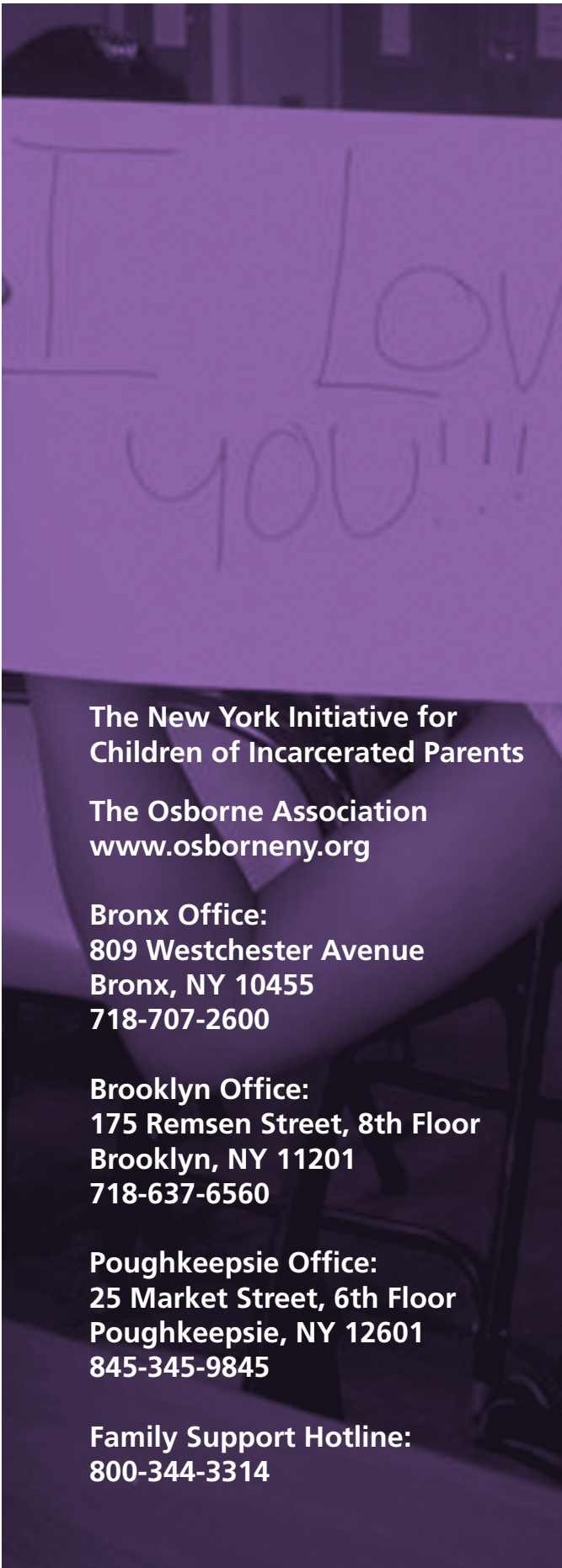
24 For more information about the *Children of Incarcerated Parents’ Bill of Rights* developed in San Francisco in 2005, please see [www.sfcipp.org](http://www.sfcipp.org).

## **CHILDREN OF INCARCERATED PARENTS:**

# **A BILL OF RIGHTS**

- 1 I have the right TO BE KEPT SAFE AND INFORMED AT THE TIME OF MY PARENT'S ARREST.**
- 2 I have the right TO BE HEARD WHEN DECISIONS ARE MADE ABOUT ME.**
- 3 I have the right TO BE CONSIDERED WHEN DECISIONS ARE MADE ABOUT MY PARENT.**
- 4 I have the right TO BE WELL CARED FOR IN MY PARENT'S ABSENCE.**
- 5 I have the right TO SPEAK WITH, SEE AND TOUCH MY PARENT.**
- 6 I have the right TO SUPPORT AS I STRUGGLE WITH MY PARENT'S INCARCERATION.**
- 7 I have the right NOT TO BE JUDGED, BLAMED OR LABELED BECAUSE OF MY PARENT'S INCARCERATION.**
- 8 I have the right TO A LIFELONG RELATIONSHIP WITH MY PARENT.**

San Francisco Children of Incarcerated Parents Partnership (2005). See [www.sfcipp.org](http://www.sfcipp.org).



**The New York Initiative for  
Children of Incarcerated Parents**

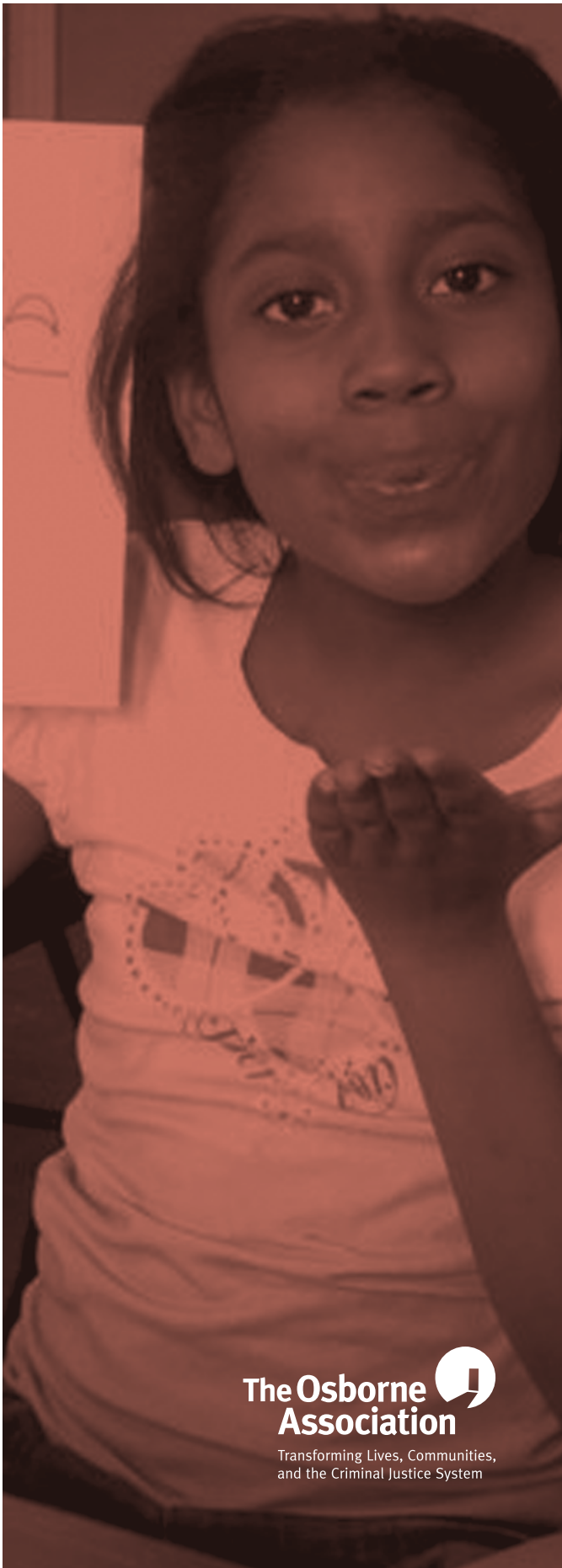
**The Osborne Association**  
[www.osborneny.org](http://www.osborneny.org)

**Bronx Office:**  
809 Westchester Avenue  
Bronx, NY 10455  
718-707-2600

**Brooklyn Office:**  
175 Remsen Street, 8th Floor  
Brooklyn, NY 11201  
718-637-6560

**Poughkeepsie Office:**  
25 Market Street, 6th Floor  
Poughkeepsie, NY 12601  
845-345-9845

**Family Support Hotline:**  
800-344-3314



**The Osborne  
Association**  
Transforming Lives, Communities,  
and the Criminal Justice System





# STRONGER

Volume II:  
Maintaining and  
Strengthening  
Family Ties for  
Children of  
Incarcerated Parents



# TOGETHER

The Osborne Association  
Transforming Lives, Communities,  
and the Criminal Justice System

# **STRONGER TOGETHER**

## Volume II: Maintaining and Strengthening Family Ties for Children of Incarcerated Parents

### **ABOUT THE OSBORNE ASSOCIATION**

Founded in 1931, the Osborne Association works in partnership with individuals, families and communities to create opportunities for people affected by the criminal justice system to further develop their strengths and lead lives of responsibility and contribution. We design, implement, and advocate for solutions that prevent and reduce the damage caused by crime and incarceration.

### **ABOUT THE NEW YORK INITIATIVE FOR CHILDREN OF INCARCERATED PARENTS**

The New York Initiative for Children of Incarcerated Parents was launched by the Osborne Association in 2006, following the creation of the *Children of Incarcerated Parents' Bill of Rights* by the San Francisco Children of Incarcerated Parents Partnership. The Initiative works with government, community, and faith-based partners to advocate for policies and practices that meet the needs and respect the rights of children whose parents are involved in the criminal justice system. The Initiative also serves as a tri-chair to the statewide Children of Incarcerated Parents Coordinating Council launched in October 2011.

Front cover photo by Teresa A. Miller, 2012.

## **ACKNOWLEDGMENTS**

The *Stronger Together* handbooks owe their existence to the wisdom, insight, vision, and deep commitment of their original authors who in 1993 issued *How Can I Help?*, a series of three handbooks published by The Osborne Association. Written by Margaret Brooks (Volume I), Elizabeth Gaynes (Volume II), and Jane Schreiber and Elizabeth Gaynes (Volume III) and reviewed by an interdisciplinary advisory committee, much of what they wrote 20 years ago (for better or worse) holds true today. We also extend a heartfelt thank you to the children, youth, caregivers, and parents who shared their personal experiences and courage with us to enrich the updated handbooks.

The revised handbooks were updated by Elizabeth Gaynes, Tanya Krupat, Dana Lemaster-Schipani, and Joan Hunt. Volume III was developed by Gerard Wallace, and written by Gerard Wallace, Rachel Glaser, Michelle Rafael, Lynn Baniak, Tanya Krupat, Dana Lemaster-Schipani, and Elizabeth Gaynes. Virginia Lowery and Kasey Currier provided skillful copyediting.

We are grateful to Jedd Flanscha for his design, patience and persistence.

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## ABOUT THE HANDBOOKS

In 1993, The Osborne Association published a three-volume handbook series entitled *How Can I Help? Working with Children of Incarcerated Parents*. Almost twenty years later, the handbooks have been revised and are republished here under the new title, *Stronger Together*. This reflects our view that we must come together to address the needs of children with incarcerated parents, including overcoming the isolation that comes from the stigma and shame associated with incarceration. The goal of the original handbooks and of those reissued in 2012 is to champion and support the hundreds of thousands of children in New York State (and the millions of children nationally) whose lives are disrupted by the arrest and/or incarceration of a parent.

While the handbooks have changed since 1993, much of the content of the first series is still relevant and forms the core of the republished Volumes I and II. ***Volume I: Experiences of Children of Incarcerated Parents*** focuses on children's feelings, experiences, and responses. ***Volume II: Maintaining and Strengthening Family Ties for Children of Incarcerated Parents*** discusses why and how to maintain parent-child relationships. ***Volume III: Information for Non-Parent Caregivers of Children with Incarcerated Parents***—an entirely new handbook—provides needed information for and addresses the most common concerns of caregivers. Please note that the original 1993 Volume III was a handbook of general resources, which is now out of print, and is available as a PDF file (as are the new handbooks) on the Osborne Association website at [www.osborneny.org](http://www.osborneny.org).

All of the *Stronger Together* handbooks include information, tools, and resources, as well as vignettes and quotes to illustrate real-life examples. They are written for a diverse and broad audience who significantly touch and influence children's lives, including caregivers of all kinds, professionals, volunteers, family members, and other caring adults. While the handbooks focus on children and the criminal justice system in New York State, they are designed to be helpful for those in other states as well.

### **CAVEATS ABOUT THE *STRONGER TOGETHER* SERIES:**

First, *the handbooks focus on the majority of situations in which parents are incarcerated for non-child-related crimes*. They do not address situations where a parent harmed a child directly or indirectly, such as when a violent act was committed against the other parent, a sibling, or family member. These are complex cases and require careful and ongoing assessment, professional advice, and therapeutic support.

Secondly, while some of the information in the handbooks may apply to children whose parents are being held within immigration detention facilities or facing possible deportation, there are substantial differences in their experiences and the resources available to them. It was beyond the scope of this series to address these issues, though we offer resources online.

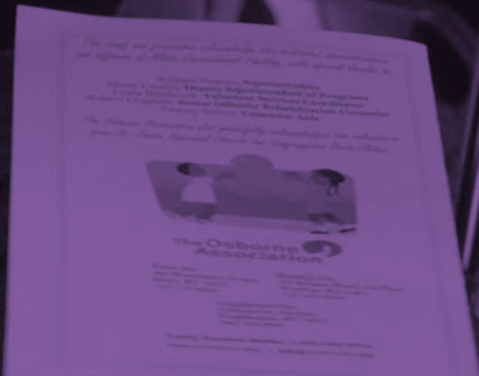
Lastly, we have tried to address as wide a range of experiences and circumstances as possible, but do not pretend to have covered all possible scenarios.

We are committed to empowering you to proactively reach out to children with incarcerated parents and their families to assist them in navigating this challenging and often painful experience. No matter which volume you pick up first, **we strongly recommend that you read *Volume I in its entirety***. It will strengthen your own understanding of children's feelings and responses, which will strengthen your ability to effectively respond to children's needs and in turn create supportive and understanding communities for children and families to live in—and for parents to return to.

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# SECTION 1: WHY MAINTAIN RELATIONSHIPS?



As discussed in detail in **Volume I**, the incarceration of a parent creates many well-documented challenges for children and families. Families may be forced to seek a new residence, a child's custody and school arrangements may change, and financial resources may decrease. A whole range of powerful emotions can be triggered, including fear and anxiety, sadness and isolation, anger, guilt and shame. While there is no one solution to these challenges, there is nothing more powerful to support a child in crisis than communication: listening and speaking. This includes communication between children and their (custodial) parent or caregivers, between children and their incarcerated parents, and between children and the various adults and professionals with whom they come into contact. (Communication between children and their peers is also critical although it is not the focus here.)

Because many people question whether communication between a child and his/her incarcerated parent is in the child's best interests, this Volume explores this question in detail. As mentioned earlier, our focus is on the majority of situations in which a parent is serving a sentence for a crime *not* related to a child, including his or her own child. This volume does not address situations where the parent has harmed the child directly or indirectly (for example, as with violence against the other parent, a sibling or another family member). These are complex cases and require careful and ongoing assessment, professional advice, and therapeutic support.

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### **A NOTE ABOUT CAREGIVERS**

Throughout this volume we refer to caregivers, and it is important to clarify that for the sake of simplicity this will refer to all of the following people with whom children live and in whose custody they are: the child's other/custodial parent (which is the majority of cases when a father is incarcerated), and non-parent caregivers including relative caregivers, people who assume primary caregiving responsibilities, and foster parents. **Volume III** focuses specifically on non-parent caregivers.

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## 10 STRONGER TOGETHER: VOLUME II

An important role for the child's family in the community, as well as caregivers, teachers, counselors and others is listening to the child non-judgmentally and providing supportive, honest, and developmentally appropriate responses. It is equally important for these influential and important adults to facilitate the relationship between the child and her incarcerated parent. In most cases, mending, maintaining or building a connection provides the context for recovery from the loss that occurs when a parent goes to jail or prison. Even in cases where contact or communication may not be in the child's best interest at the present time, it should not be ruled out for the future. People, circumstances, and needs change over time and many older or adult children find themselves seeking out or longing for some kind of communication with their parents even if it is only for closure, knowledge of self, or for their own children.

For children, it is virtually impossible to communicate with an incarcerated parent without adult assistance. Yet sometimes the adults closest to the child are unable to help because of their own emotional, physical, or financial challenges. There are other adults who can assist children and their parents to stay connected, and many reasons for them to do so. Children's caregivers, relatives, foster parents, caseworkers, guidance counselors, teachers, doctors, concerned neighbors or friends may be able to provide critical assistance in maintaining ties between children and their incarcerated parents.

### **DOES CONTACT WITH INCARCERATED PARENTS BENEFIT CHILDREN?**

Outside the context of the criminal justice system, the importance of maintaining parent-child relationships seems obvious. There is no more important relationship to a child than with a parent. In the context of divorce, parental hospitalization, military deployment, or work-related separations, significant efforts are made to minimize the trauma of parental separation for children by maintaining contact and communication through the period of separation. Yet when it comes to parents who are incarcerated, the assumption tends to be that the separation will benefit the child. In fact, the very purpose of prisons and jails is to separate people from society—including their children—and to control or limit communication. Therefore, before discussing what kind of communication best supports children with incarcerated parents and how to make this happen, it is important to address *why* it is important (in

## 11 WHY MAINTAIN RELATIONSHIPS?

nearly all cases) for children to communicate with their parents, in spite of and during a period of incarceration.

Although research shows that children may benefit from maintaining healthy and positive relationships with their incarcerated parents by experiencing less emotional distress and fewer problematic behaviors,<sup>1</sup> many assume that removal of the “criminal parent” with no further contact is what children need. The incarceration of a parent has often been the result of longstanding causes of discord or upset in the family (such as addiction or assaultive behavior). Some families feel it is best to act as if the incarcerated parent has died or permanently abandoned the family and just get on with life. Families sometimes worry that the prison environment will scare children while also undermining children’s respect for their incarcerated parents, whom they see in prison “greens”<sup>2</sup> and constrained from acting in the parental role. For example, incarcerated parents are not allowed to handle money, access vending machines, or heat up food in the microwave. Other families feel that children may think incarceration “doesn’t seem that bad” and as a result, will lead children to engage in negative behaviors free of the fear of consequences.

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**Children can benefit from visits to parents who are incarcerated in several ways. A child’s imagination of the incarcerated parent’s condition and circumstances is likely to be much worse and more frightening than the reality.**

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Incarcerated parents themselves often question whether it is good for their children to maintain contact with them. They may be reluctant for their children to see their imperfect qualities. They may feel ashamed of the pain they have caused, and/or they don’t know what to say or how to answer certain questions their children may have, primarily, “Why are you here?” and “When are you coming home?” Many incarcerated parents tell their families not to visit or not to bring the children on visits because they do not want them to go through the stress and frustration that can come with visiting. These concerns raise fair questions: Is prison visiting a good thing for children? Does it promote positive outcomes for children, parents and families?

1 Nickel, J. (2009). *Children of Incarcerated Parents: An Action Plan for Federal Policymakers*. New York: Council of State Governments Justice Center.

2 Green is the color of prison uniforms in New York State.

## 12 STRONGER TOGETHER: VOLUME II

As depressing as a visiting room might seem to be, it is often much better than what children imagine. Visiting with the incarcerated parent can also help dispel any frightening images or fears the child may have that the incarceration was somehow their fault.<sup>3</sup> Additionally, children's sense of isolation and stigma can be reduced by seeing other children visiting and other families in similar situations.

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*"I didn't visit my mom at all during the 6 years she was incarcerated. She returned a stranger to me. She didn't even know my favorite color. And then she started telling me what I could and couldn't do, and I couldn't understand how she thought she could do that. I mean, maybe if we had seen each other and stayed close that would have been okay, but she didn't even know me."*

*—Johanna, age 17*

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Communication between children and their incarcerated parents—and visits specifically—can also benefit children by:

- **Healing grief and loss:** The grief and loss of separation can be overwhelming for children; maintaining the parent-child relationship can be critical to children's adjustment and healing.
- **Providing opportunities to talk:** Parents in prison can talk with their children about the wrong decisions they made and life behind bars in ways that can decrease children's guilt and feelings of responsibility. Parents in prison can help their children feel cared for and loveable.
- **Maintaining parent-child relationship:** Communication is essential to maintaining a meaningful relationship and helping to reassure the child that her parent has not abandoned her. Ongoing contact—and visiting specifically—creates continuity. In addition, for children in foster care, child welfare agencies and courts may be less inclined to terminate the rights of a parent

<sup>3</sup> These and other feelings children have about their parent's incarceration are discussed in detail in **Volume I's** section on "Common Feelings and Emotions."

### 13 WHY MAINTAIN RELATIONSHIPS?

who, while incarcerated, made active efforts during visits (and in other ways) to provide parental support.<sup>4</sup>

- **Preparing for release:** Maintaining contact—especially through visits—better prepares the child and parent for their relationship upon release. Without contact, the child may see the parent as a stranger and vice versa; or each party may be romanticizing the other, having unrealistic expectations. Without a relationship during incarceration, the child may experience the parent’s return as an intrusion. The child may be confused when the newly released parent brings a change in parenting style and rules to an established routine in the family. This can be true whether or not the parent will live with the child.

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“At first I didn’t want the children to have contact with their father. I was mad at him, hurt and ashamed, but over time I saw they needed this, and that whatever the outcome was going to be when he got out, communicating now was going to help us all.”

—*Mother of 3 children*

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While there is no one right answer for every family or every child within a family, the case can be made that the majority of children benefit from maintaining a relationship with their incarcerated parents, and families benefit from maintaining ties through crises. Incarcerated parents can contribute positively to a child’s upbringing. Incarceration can be an opportunity for a person to become a better parent, more caring and concerned and more knowledgeable about his child. While prison may not be the best place to improve one’s parenting, it has been done.<sup>5</sup> Parents whose children visit them in prison are more likely to be motivated to improve parenting skills, and can actually provide “quality time” if they focus significant attention on their children during visits.

- 4 In June 2010, New York State passed an amendment to the Adoption and Safe Families Act (ASFA) which specifies that foster care agencies do not have to file for termination of parental rights if a parent’s incarceration or placement in a residential drug treatment facility is a significant contributing factor to the child’s remaining in foster care more than 15 of the last 22 months and there is a meaningful relationship between the parent and the child, and the parent is planning for the child’s return. (Social Services Law 384-b (3)(l)(i) See also 11-OCFS-ADM-7).
- 5 The Osborne Association’s parenting program, *Family Works*, includes a basic parenting course that has been completed by hundreds of parents in New York State prisons and Rikers Island since 1986. Participants and their families report a significant increase in knowledge of issues related to children and parenting, and an enhancement of the parent-child relationship during and after incarceration.

## DOES CONTACT WITH CHILDREN BENEFIT INCARCERATED PARENTS?

The family is probably this country's most valuable resource for reducing crime. There is simply no question that incarcerated people who receive visitors are better able to maintain family ties, and that those who are released to a stable home environment are much more likely to succeed in leading productive, crime-free lives upon reentry. Families can provide the incentive for incarcerated individuals to grow, learn, and change. Children, in particular, provide a powerful incentive for an incarcerated parent's transformation. Families and children can enable incarcerated parents to stay in touch with what's going on in the world, to ease their transition back to a fast-paced and ever-changing society.

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**"If being separated from your children and seeing the harm you're causing them doesn't change you, nothing will."** *—Incarcerated mom*

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## DOES CONTACT WITH INCARCERATED PARENTS BENEFIT FAMILIES?

For the most part, families do benefit from bridging the gap between jails/prisons and the community. Families are complex systems, and the absence of a part of the system has a powerful impact on its functioning. Individuals who are incarcerated can continue to be a vibrant part of their families if communication is maintained. While incarceration diminishes the kinds of activities that the individual can perform, she/he can still fulfill many aspects of the roles (mother/father, spouse/partner, and sibling) that the incarcerated person plays in family life.

## 15 WHY MAINTAIN RELATIONSHIPS?

However, active membership in a family requires communication. Communication—whether through in-person visits, phone calls, or letters—between families and incarcerated parents provides the most concrete and visible strategy that families use to manage the separation and maintain family ties.<sup>6</sup> Through these contacts, parents are able to share family experiences and participate in family rituals (such as birthdays and religious observances), and remain emotionally attached. Maintaining some form of contact assures incarcerated parents that their children have not forgotten them, and reassures children that their parents love, care about, and support them. Contact visits allow incarcerated individuals to see themselves—and to function—in socially acceptable roles rather than as prison numbers and institutionalized dependents.

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**Maintaining strong family ties—especially via in-person contact or other modes of communication—is associated with successful reintegration,<sup>7</sup> lower recidivism rates, improved institutional behavior (including fewer infractions), and higher rates of family reunification upon release.<sup>8</sup>**

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There are many reasons why maintaining communication during a parent's incarceration is beneficial. There are also many reasons why doing so is difficult and complicated. The following sections are intended to make communication a little easier.

- 6 Bales, W. D., & Mears, D. P. (2008). Inmate social ties and the transition to society: Does visitation reduce recidivism? *Journal of Research in Crime & Delinquency*, 45, 287-321; Laughlin, J. S., Arrigo, B. A., Blevins, K., & Coston, C. (2008).
- 7 Hairston, C.F. (2002). *Prisoners and Families: Parenting Issues During Incarceration*. Paper prepared for the "From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities" conference, Jan. 30-31.
- 8 Newell, D.A. & DeLair, E. (2011). *Visiting and how to get there: A survey of program models offering transportation for prison visiting*. The National Resource Center for Children and Families of the Incarcerated.



The decision of whether or not to take children to visit parents in jail or prison can be a difficult one. Each family and situation is different, and the many factors to be weighed in making this decision can include the child's desire and needs, the caregiver's relationship with the incarcerated parent, visiting policies and travel distance, transportation, finances, and the incarcerated parent's desire/motivation/level of focus on the child's needs. Studies do show that most children manage the crisis of parental incarceration better when they visit their parents and that they want and need to see their parents.<sup>9</sup> Usually, it takes time for children to cope with the feelings and emotions that visits bring up, including the pain of having to leave their parents behind. While not visiting is sometimes easier in the short term, "out of sight is not out of mind."<sup>10</sup> Separation due to incarceration can leave a lot of confusion, questions, imagined dangers, and fears for children to deal with. These emotions may show up in behavioral problems in school, at home or both, and can be harmful to children over time.

## PREPARING CHILDREN<sup>11</sup>

It is important to prepare for a visit by learning as much as possible about what the visit will be like (see **Section 4**), and to share this information with children to prepare them for the visit. Information about what to expect will reduce a child's anxiety significantly. Children often have mixed emotions about visiting: excitement, fear, worry, concern. Depending on how long it has been since they last saw their parent, children may worry about recognizing the parent, how he or she may have changed, and whether the parent still loves them and will be the parent they know. The next pages discuss four important aspects to consider when preparing children.

9 Hairston, C.F. (2007). *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation.

10 Adalist-Estrin, A. (1989). "Visiting Mom or Dad: The Child's Perspective." 2nd Edition. *Children of Prisoners Library. Facts and Issues: CPL 205*. Available at <http://www.f2f.ca.gov/res/pdf/VisitingMomAndDad.pdf>.

11 Part of this section adapted from materials in the Colorado Department of Human Services Child Welfare Policy Manual (Volume 7) and *Colorado Welfare Practice Handbook*, available at <http://www.colorado.gov/apps/cdhs/rral/rulesRegs.jsf>.



### TELLING THE TRUTH ABOUT WHERE YOU ARE GOING:

Some caregivers and incarcerated parents think they are protecting children by making up stories or avoiding questions about where the parent is (see **Volume I**, p. 20). While not always easy, it is important to be honest with children in an age-appropriate way. They do not need to know all the details of what happened, but telling them age-appropriate information that maintains their trust in you is very important (see p. 29 and **Volume I** p. 20). If you are a professional working with the family, it is important to find out what is being said and to work together to obtain consensus about telling the truth. The child exists within a family system that should be respected so that the intervention does not cause more harm than good.

Depending on the age of the child, a family member, the parent, or a professional with permission can explain that the parent made a bad decision or did something he was not supposed to do and now has to be away for some time as a result (like a “big time out”). In explaining this to children, be sure to include:

- that the child has done nothing wrong;
- that he and his parent are good people;
- that his parent loves him;
- additional detail about the amount of time the parent is expected to be incarcerated (so that the child is not expecting the parent home next week if he will be away for years).<sup>12</sup>

### APPEARANCE AND BEHAVIOR OF PARENT:

It is possible that the appearance of the parent has changed since the child last saw her parent. A parent who was using drugs prior to his incarceration may look cleaner and better fed than before. Sometimes hair has been grown or cut, beards shaved or other physical changes have occurred. Additionally, parents may have to wear ill-fitting jumpsuits or uniforms to the visit. Some parents may be nervous and uncomfortable, which can seem scary to a child. It is also possible that parents look just as their children remember them, but it is best to prepare a child for the possibility that mom or dad may look different. **If it is**

12 A child who is visiting a parent who has harmed his other parent, a sibling, or another child will likely need more or different information; as stated at the beginning of the handbooks, we do not address these complex situations which often benefit from therapeutic support and advice/ guidance.

## 19 SUPPORTING POSITIVE VISITING EXPERIENCES FOR CHILDREN

**possible to communicate in advance with the parent, inquire as to any changes in their appearance since the child last saw him/her so that you can share with the child in advance.**

More important than appearance, however, is the parent's behavior during the visit. If speaking with the parent in advance is not possible, it is best to write to them and ask about their hopes/goals for the visit, share any updates or concerns about the child, and offer suggestions for how the parent might use the visit to alleviate concerns the child may have. This allows you to assess the parent's ability or willingness to focus on the child and have the visit be a positive experience. If the visit is being planned soon after the arrest, the parent may be in a state of shock which can make it difficult to focus on the child's needs. Outside support can be very helpful for an incarcerated parent as well as his or her loved ones at this time. **If after speaking with the parent and offering respectful suggestions based on your knowledge of the child's needs, it seems that the child will leave the visit more anxious, scared, and upset than before the visit, the visit should be postponed until another time.**

### **LIMITATIONS ON PARENTAL ROLE:**

Children should be prepared that during the visit their parents will not be able to handle money, take them to the restroom, or warm up their food in the microwave. All of these normal parental responsibilities are not allowed when a parent is incarcerated. This can also be upsetting for a parent who may try to reclaim his parental authority by coming down hard in other areas, such as disciplining or giving advice. Depending on a child's age, preparation for this can be helpful as well.

### **CHILDREN'S FEELINGS:**

As children visit more than once, their feelings about visiting may change. It is important to both listen to and observe a child's feelings before, during, and after the visit. Many children do not talk about their feelings for hours, days, weeks, or months. Whether the child is expressing grief, anger, or nothing at all, it is important to help him process the pain associated with having an incarcerated parent. This can involve professional help and counsel, connecting with other children in similar situations, accessing programs and support services, finding supportive adults, and assisting the child in figuring out how to handle telling friends, schoolmates, teachers, and others about her situation.

## 20 STRONGER TOGETHER: VOLUME II

If a child does not want to share his feelings about the visit, the accompanying adult can share her own feelings about the experience, opening up the space for discussion. A child's interest in planning and preparing for the next visit can indicate a positive visiting experience.

### CAREGIVER PREPARATION<sup>13</sup>

Whether the caregiver is the other parent, a grandparent, family friend, or foster parent, and whether she is escorting the children to and from the visit or greeting them when they come home, it is important to have information in advance about what the visit will be like. The following are important points for caregivers:

- **Prepare for possible reactions the child may have after a visit.**  
Even the most positive visit ends with a separation. Children will have thoughts, feelings, and reactions to the parent's incarceration and to the visit, and these may be expressed behaviorally. Caregivers will ultimately be the ones responding to these feelings and behaviors, so it is important to know that feelings of anger, sadness, withdrawal, or clinginess to the parent or caregiver at home are all possible and normal reactions to a visit. Many of these feelings and behaviors will subside over time with frequent and/or predictable visits (see p. 24 for more information about supporting children after the visit).
- **Consider the possible need for or benefits of outside support, counseling, or therapy for the child.**  
Caregivers and families usually have their own feelings about outside support, counseling and therapy. Cultural and generational beliefs, as well as past experiences, can influence a caregiver's openness to the suggestion that a child receive additional support or services. It may be helpful at some point for the caregiver to be involved with the child in therapy so the caregiver(s) can better provide the positive family environment the child needs, and can process their own feelings about the situation.

13 Part of this section is adapted from materials in the *Colorado Department of Human Services Child Welfare Policy Manual* (Volume 7) and *Colorado Welfare Practice Handbook*, available at <http://www.colorado.gov/apps/cdhs/rral/rulesRegs.jsf>.

## 21 SUPPORTING POSITIVE VISITING EXPERIENCES FOR CHILDREN

- **Separate your own feelings.**

If the children are being cared for at home by the other parent or a caregiver who is in an intimate relationship with the incarcerated parent, it can be hard to allow for child-only time during the visit. Children may feel they have to compete with mom for visiting time with dad, or hear inappropriate conversations if their parents discuss personal topics during the visit. If the caregiving parent is no longer “with” (romantically) the incarcerated parent, this can also be awkward or cause the caregiving parent not to want to take the children. If the children are with the grandmother or family members, there may also be strong feelings among the various adults. For a child to have a positive visiting experience, it is best if the adults can put their issues “in their pockets” for the duration of the visit so that the parent can focus on the child’s needs.<sup>14</sup>

### A CHILD’S FIRST VISIT

It is extremely important that a child’s first visit be focused on the child. If the first visit goes smoothly, it can set a foundation for continued positive and meaningful visits.

Although it can be important to bring a child to see his parent as soon after an arrest as possible, visiting a jail can be a stressful experience (for adults as well as children).

Here are some points to consider as you prepare for a child’s first visit:

- **Share as much information as possible with the child(ren) about what the visit will be like.**

It is a good idea, if possible, to visit the jail in advance without the child. If this is not possible, call the facility in advance and ask detailed questions related to what children will experience: Are they allowed to touch their parent? Sit on their lap? Can they move about during the visit? How long is the visit? Is food available in the visiting room? How long does visitor processing take on average? Can you bring in a toy, bottle, diaper, a children’s book? Are photos available during the visit so the child can leave with a picture of the parent?

<sup>14</sup> See [www.martybeyer.com](http://www.martybeyer.com) for more visit coaching techniques by Dr. Marty Beyer, such as this idea of “putting adult issues in your pocket” during the visit.

## 22 STRONGER TOGETHER: VOLUME II

- **Allow and encourage children to ask questions.**  
Children's fears, concerns, or misinformation are often communicated through asking questions. Acknowledge and address these questions in an open and honest manner; if you don't know the answer, try to find out. *Make sure the child is aware that her parent cannot leave with her when the visit is over.*
- **Write the parent in advance and inquire about any change in appearance or other changes that you should know about or prepare a child for.**  
You can also suggest that the parent reassure the child at the beginning of the visit by doing any special ritual or habit he may have done with the child previously: a funny handshake, nickname, game, or song that they share. Making this part of the beginning of the visit can reassure a child that his parent is still the parent he knows and loves.
- **Make all the calls necessary to verify that the parent is there the day of the visit, that you can visit on the day you have planned, that you have the required ID for you and the children, and that you know which items are permitted in.**
- **Arrive early and bring as little as possible.**  
Be sure you have nothing that is considered contraband (see p. 46) on you or the child(ren); check all pockets before going in.
- **Feed children and yourself before the visit.**  
In most facilities, you can bring money in and will have access to vending machines for food. However, especially for children, it may be a long wait, and food inside visiting areas can be unpredictable. Hungry children are more stressed, less patient, and more emotional.
- **Reduce or put aside any adult stress or tension that can take away from the focus on a positive visiting experience for the child(ren).**  
Cooperate with any requests by correctional staff even if they seem unreasonable or disrespectful. You can complain *after the visit*, but the most important thing is to make sure that the child sees her parent.
- **Since many visiting areas have little or nothing to amuse children, think in advance of imaginative ways you can engage the child while you are waiting for his parent, and have some interactive suggestions for parent and child in case those are needed.**

## 23 SUPPORTING POSITIVE VISITING EXPERIENCES FOR CHILDREN

- **Allow the child time to feel her feelings after the visit.**

It can be tempting for adults to try and make it all better immediately, but it is important to support children in feeling sad, mad, upset, in pain, or numb. Acknowledge that this is hard, and not their fault, and follow their lead as to whether they want to talk or not.

### AT THE END OF ALL VISITS

Although visiting can become easier over time, the end of a visit can be sad, painful, and difficult, but can also include feelings of relief and joy. Here are some overall tips that may help make the goodbye easier:

- **Let children know when the visit is coming to an end.**

Start about 15 minutes before the end. This way they have time to start getting ready to say goodbye and are not shocked when they have to leave the parent.

- **Have some kind of goodbye habit or “ritual.”**

This can be something that the parent and child can do together at the end of each visit, like a song they sing, a game they play, a special handshake, or a rhyme they say. Some parents suggest something that the parent and child can do “together-apart,” such as looking at the moon or stars at the same time every night. This can help children transition, and the routines can be reassuring.

- **Photos can help children say goodbye.**

Many prisons offer an opportunity for families to pose for instant photos in the visiting room. Though an added cost, a photo of the child and her parent can be an important keepsake and help with saying goodbye.

- **Let children leave the visit before the parent returns to his unit or cell.**

It is usually easier to leave than to be left, if permitted.

- **Don’t criticize the incarcerated parent.**

Even if you are frustrated or angry with the incarcerated parent, it will hurt or upset the child to hear anything negative about her parent.

## DEBRIEFING AND POST-VISIT SUPPORT<sup>15</sup>

Though you may want to make the child feel immediately happy and go for an ice cream or buy them a gift afterwards, often the best thing to do is ask children how they are feeling and give them space to talk about this. You can help them name their feelings and allow them to feel these feelings. Often—when given the space and support to feel sad and talk about their parent—children are able to “bounce back,” but will feel that their connection to their parent is supported.

**Connect caregivers to community programs and services** geared specifically toward children with parents who are incarcerated. If no specialized services are available, encourage other service providers to understand and meet the child’s special needs and circumstances so they may support or work with the child more effectively.

Provide information to caregivers about how to minimize post-visit behaviors, support children, and incorporate a presence of the parent into the household, as appropriate. Maintaining attachment to a physically absent parent is easier when there are photos of the parent around the house. Include the parent in conversations with the children. Encourage writing and other means of communication with the incarcerated parent.

## WHEN CHILDREN DON’T WANT TO VISIT OR VISITS ARE DEEMED NOT IN THEIR BEST INTEREST

There are days, ages, and circumstances when children may not want to visit. There is no simple answer as to what should be done. A child who does not want to visit should not be forced. In many cases, however, it can be important for children to make initial visits to incarcerated parents to have questions answered, address emotional needs, and assure themselves of their parent’s wellbeing. Given the varied relationships children may have had with their parents prior to incarceration and the difficult conditions that prevail in traveling to and conducting visits, it is not surprising that children sometimes resist or simply do not want to go.

15 Part of this section is adapted from materials in the *Colorado Department of Human Services Child Welfare Policy Manual* (Volume 7) and *Colorado Welfare Practice Handbook*, available at <http://www.colorado.gov/apps/cdhs/rral/rulesRegs.jsf>.

## 25 SUPPORTING POSITIVE VISITING EXPERIENCES FOR CHILDREN

It is important to observe whether the child is also resisting phone conversations with the parent (suggesting that there is a problem in the relationship) or if he is only seeking to avoid actual visits (suggesting the time or conditions of visiting are the source of protest). At some ages children have very busy lives, and at those times they have little time for their parents (incarcerated or not). Sometimes children don't like to visit because they feel they are ignored and bored during the visit or they feel they are lectured to and criticized.

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**“When I was younger I liked to visit my dad, but as I got older the whole process started to bother me. I don't like the way the guards treat you, and I have a life of my own now. I'm busy! I talk to my dad on the phone and I definitely still visit him, but much less. I know he doesn't like that but he's adjusting.”** —*Shawn, age 17*

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Relatives, volunteers, and professionals must carefully assess the possibility that a child who strongly resists visiting has been abused or neglected by the parent, or has some other kind of fear or concern related to the parent that should be addressed or treated in a professional setting. More often, children are angry and hurt in more general terms, and still need help in expressing their thoughts and feelings. In both cases, their wishes not to visit should be respected.

It should also be noted that many people in prison have histories of addiction, mental illness, or domestic violence, each of which may have caused harm to their children, sometimes with lifelong consequences. These children may be relieved that their parents are now cut off from drugs or unable to harm the family physically. For some children, incarceration means that their parent and/or their family is safer due to the incarceration.

**A child's wishes not to visit should be respected, examined, and reassessed over time.**



“I once worked with a 12-year-old girl whose father had harmed her younger sister. She was in therapy and started to say that she wanted to see her dad. We spoke with the therapist and were going to take her on a visit, supporting her and ending it if she got upset. We prepped with her father as well. The day before the visit, she changed her mind and said she didn’t want to see him. I think it was empowering for her to have made the decision herself. She seemed to gain some confidence in the fact that we would support her decisions, whatever those were, while ensuring she was safe within them. That taught me a lot about listening to children.”

—*Foster Care Caseworker*

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It is important to remember that most children will be visiting their parent accompanied by their other parent or a relative who also has a relationship with the incarcerated parent. That relationship may be loving or tenuous, and it may be difficult for the adults to give adequate time and attention to the children. Nonetheless they should be encouraged to focus on the children for a significant portion of the visit.

Counselors, social workers, caregivers, and friends of incarcerated parents should support the child and parent through this difficult time. Many parents do not want to be reminded of the hurt they have caused, and the anger of their children speaks volumes about the harm done. In order for parents to establish or maintain positive relationships with their children, considerable support from their peers or professionals may be needed.

## FACILITATING POSITIVE VISITS: 10 TIPS FOR PROFESSIONALS

- 1 Work in partnership with caregivers**, sharing information about the importance of visits for children's attachment and for relieving their worries and possible self-blame, while also offering support for caregivers and acknowledging their stress.
- 2 Facilitate frequent or regular visits.** When there is a pattern or schedule of visits, visits become less stressful for children and the goodbye a little easier.
- 3 Provide tips for caregivers on how to prepare children for visits, and support and debrief with them afterwards.** Visits can cause separation anxiety and pain for children who do not want to leave their parents behind.
- 4 Help the parent prepare for the visit and use it productively.** Talk with the parent before the visit (via a correctional staff person or a letter) to help her focus on the children and their needs.
- 5 Confirm that the incarcerated parent is located in the facility the morning of the visit.**
- 6 Prepare to make the travel comfortable for the child.** Bring food and age-appropriate activities (remembering that you can bring very little into the actual visit with you).
- 7 Arrive early with the proper identification** for yourself and the children you are escorting, and check your and their pockets before you enter.
- 8 Do your best to cooperate with the directions given by correctional facility staff.** Remain professional at all times and model for the child how to handle what can feel like disrespectful behavior and harassment.
- 9 Think of creative ways to keep children engaged before the visit.** An escort's job is to deliver a supported child who is prepared and as happy as possible.
- 10 Be nonjudgmental and open-minded,** yet attentive to the needs of the child at all times.

# SECTION 3: THE POWER OF CONVERSATION



When a parent is incarcerated, children have many questions which are not always asked or not always heard. While it is most powerful if these questions are answered by the parent who is incarcerated, other adults working with or caring for the children can find or provide answers and create an environment in which children can express their feelings and fears without judgment.

## QUESTIONS CHILDREN ASK

Many of the questions children have are versions of four main questions:

- **Where are you?**
- **Why are you there?**
- **When are you coming home?**
- **Are you okay?**

The two additional questions many children have but don't ask are:

- **Is this my fault? Do you blame me?**
- **Do you love me?**

Incarcerated parents, their children's caregivers, and other interested adults should be prepared to answer these questions. Sometimes parents don't want to answer; more often, they don't know how. Here are some suggestions:

### WHERE ARE YOU?

Children's caregivers and even incarcerated parents often think they are protecting children by answering with some version of a story that the parent is in school, working, in the military, or in the hospital (see **Volume I**, p. 20). All of these explanations come with their own anxieties and confusion, and in most cases, the truth comes out another way that leaves the child feeling lied to and betrayed, and distrustful of the adults he thought he could (and now needs to) depend on. Children often overhear conversations or put together inconsistent facts, and they are smarter than adults give them credit for. The damage that can be done from lying to a child—particularly at a vulnerable time—is usually far greater than any the truth would have caused.

## 30 STRONGER TOGETHER: VOLUME II

An age-appropriate truth is the one that is most helpful for children, and this truth can be built on as children get older, want to know more, and can handle more complex explanations.

### **WHY ARE YOU HERE?**

When children ask this question they are not looking for all the details. They are trying to make sense of what has happened. A simple explanation such as, "I took something that did not belong to me and it was wrong; now I'm being punished," makes sense to a child. Explaining in an age-appropriate way what has happened also provides important opportunities for the parent and other adults to model taking responsibility and distinguishing between "bad" actions and "bad" people. The parent did something wrong, but she is not bad; just as the child may have at times done something wrong, but he is not bad. This is also an opportunity for the parent to apologize to the child for the harm and separation caused, and to ask for forgiveness and partnership in rebuilding relationships and family.

It is not helpful for children to hear that the parent does not know why he is incarcerated, or that it is due to racism or unjust laws. Though all of this may be true, it is not helpful for a child. Children often become particularly attached to their remaining caregivers, and explanations such as this can make them fearful of losing this parent/caregiver as well.

Because these conversations are not easy to have, it is helpful if caregivers and other adults support the parent-child relationship so that the parent can feel supported in having these courageous conversations, which reveal serious mistakes or poor decision-making. There are situations when not all parties agree about what children should be told, and these are not always easy to resolve. Incarcerated parents and others can be reminded that children are likely to find out the truth (particularly when this information is available online/via the Internet), and it is best for them to hear the truth from the adults they are closest to.

### **WHEN ARE YOU COMING HOME?**

For those who have been arrested or are awaiting trial, there is a terrible uncertainty about the length of time they may spend in pretrial detention or what sentence they are facing. Even when a sentence is known, it can be tempting to minimize or distort the length of time in

## 31 THE POWER OF CONVERSATION

order to reassure a child or offer the child some relief from the stress of waiting such a long time. Sometimes parents respond that they will be home “soon” thinking that this is helpful. For several reasons, it is generally not helpful:

- Children have a different sense of time than adults;
- Children remember what you have told them about when “soon” is;
- The disappointment that comes for a child who is impatiently waiting for the day she thinks “soon” refers to is devastating.

The fact that many parents do not have definite release dates at the time of arrest or sentencing makes all of this even more complicated. It is hard to suggest the “right” way to talk with children about the “coming home” question. To the degree possible, it can be helpful for parents to let the child know when they *won't* be home (for example, the parent won't be home by Christmas or won't be home for another two birthdays). While this can be painful and disappointing to the child (and difficult for parents to do), this hurt is much less than that of a child waiting for a parent who does not show up.

Additionally, part of the “coming home” question—particularly as release nears—is to explore what the child thinks this will be like. Does she think the parent will be living with her, but this is not the case? Is he worried that the parent will or won't live with him? **It is important to correct as many reentry fantasies (on all sides) as possible prior to the parent's release.**

### ARE YOU OKAY?

Children worry about their parents and often seek or need reassurance that their parent is safe, secure, and able to manage within these difficult circumstances. While a parent cannot guarantee his own safety within a correctional facility, a child does not need to know about the daily stresses and risks of living within this environment. Parents often do not feel “okay” and the separation from children and family is very painful. However, in order not to burden children with this, and since the children did not cause nor can they control this situation, it is best to let children know that while their parent is not in a good place (he is being punished), he can handle it and will be okay.

### **DO YOU BLAME ME? DO YOU LOVE ME?**

These last questions may not be ones that children ask directly; they may ask them consciously or subconsciously, and their sense of themselves may be negatively affected by the answers they give themselves. Children often blame themselves (see **Volume I**, p. 16) even when their own explanations make no sense in any logical way. Parents may see no connection between their criminal activity and their love for their children, but children often interpret the parent's behavior in this way. Children often feel that if the parent really loved them or if they were really loveable, their parent would not have committed a crime or risked an arrest.

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Both the incarcerated parent and the adults in the child's life should be unwavering in their assurances that the child is loved unconditionally and that nothing she did caused the separation.

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## **CONVERSATIONS BETWEEN PARENTS AND CHILDREN**

The questions discussed above usually arise immediately or shortly after a parent is incarcerated. Over the months or years of incarceration, and even after a parent is released, these conversations may be revisited. Ongoing relationships between children and their incarcerated parents will require and thrive on many other kinds of conversations and modes of communication. Caregivers in the community (including foster parents, social workers, teachers, counselors, relatives, and others) who keep the incarcerated parent informed about the child can provide important clues for the parent to pursue as he maintains and enhances his relationship with the child. By helping the child and the incarcerated parent stay connected, caring adults can empower a relationship which has lifelong positive consequences for all involved.

### **CONVERSATIONS THROUGH THE MAIL**

Incarcerated parents often discount the power of their letters. They may also become discouraged if children do not write them back. Yet—even when children are not responding—they are often treasuring these letters.

### 33 THE POWER OF CONVERSATION

Incarcerated parents can often benefit from updates about the child's current interests, so they can ask about these in their letters, but parents should not worry about length and perfection. Just as most young children would rather have five pennies than one nickel, younger kids would rather receive frequent mail than occasional long letters. Incarcerated parents can clip and send cartoons and photos from newspapers and magazines. Letters can be written in large block letters making them easy for the child to read. If the parent has some artistic talent she can draw pictures of where she lives, works, eats, and exercises to help children understand her daily life. Some parents send line drawings or tracings of familiar television or cartoon characters for their children to color and send back. Older children may not need block letters or cartoons, but they do need to know they are in their parent's thoughts. Notes and cards of all kinds are appreciated, particularly for birthdays and other celebrations or accomplishments. Adults in the community can help by reminding incarcerated parents of their children's birthdays and other special occasions and accomplishments in time for a card to be sent.

Children may need to be encouraged to write to their parents.<sup>16</sup> Some occasions lend themselves more easily to such prompting, such as school events, the parent's birthday, and holidays. For older children, letters written and received can provide an incredibly valuable opportunity to share feelings without fear of being interrupted or shamed. Some children are better able to articulate their anger and hurt in writing and drawing, which can help to clear the way for a closer relationship in the future. Some incarcerated parents can better express their affection and remorse in a letter without the embarrassment they may feel in a personal conversation. Saving the letters that come out of an ongoing and regular correspondence can be like keeping a journal, and re-reading a parent's letters over time can give a child a tangible experience of the growing relationship.

In general, children of all ages enjoy finding a letter addressed to them in the mailbox, and with some creative and individualized assistance, they also may enjoy responding with a letter. Younger children can mail drawings or scribbles to their parents, which will be received with much joy.

16 In this current age of technology it becomes particularly challenging for children to take the time to write a letter. Social networks, like Facebook and Twitter, e-mail and other forms of instant communication are what children are now accustomed to, so waiting days or weeks for a response can be discouraging and frustrating.



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Here are some tips the other parent, caregiver, or a professional working with the child can use:

- Sometimes children do not know what to write or are intimidated by the process. You can help them write anything—what they are doing now, did yesterday, a movie they saw, a book they read, or something that happened in school. Any of these will make the parent happy; it is the fact of receiving news from the child that is important, not what they write, how long the letter is, or whether it is perfectly written.
- Younger children usually do not write letters without a supportive adult, so it may be a good idea for the caregiver or provider to help the child write a letter or draw a drawing.
- If written communication between the parent and child needs to be supervised for some reason, letters can be sent to the child's caseworker or a professional working with the family, and read in advance of sharing them with the child.
- Consider sending the parent the child's report card and involve them in educational decision-making.

## JAHNAY'S TIPS FOR WRITING YOUR MOM OR DAD\*

- 1 Ask him/her how they are doing.** [Let them know someone still cares.]
- 2 Tell him/her positive things about how the family is doing.** [They still have the right to know about their loved ones.]
- 3 You should let them know how you are doing in school.** [They'd like to know their child is growing into an intelligent young adult; if you're having problems in school it's okay to let them know about this, too. Maybe they have suggestions or went through something like this when they were young, too.]
- 4 Let them know positive things about what you are doing right at the moment.** [Make them feel as if they are actually there.]
- 5 Talk about any significant events that have recently occurred.** [Keep them posted with current events. Let them know what you did last weekend or yesterday—even little things can make them feel closer to you.]
- 6 If they have hobbies or you have hobbies, start a conversation about it.** [They'll be glad you seem interested in the same things as they are or they might learn something new from you.]
- 7 If they play sports or you play sports, talk to them about it.** [Try to encourage them to continue playing sports to stay occupied. Let them know how you are doing if you play.]
- 8 If you have absolutely nothing to write about, start a tic-tac-toe game or a riddle.** [This should be fun and it should keep the letter going.]
- 9 Send a drawing just to let them know you're thinking of them.** [This should cheer them up.]
- 10 If they enjoy music or writing you can send them a poem or a piece that you wrote, or send them lyrics to a song you like.** [They'll like to see that you are being a positive young adult.]

*\*Jahnay was 15 and her dad was incarcerated when she wrote these tips.*

## CONVERSATIONS OVER THE PHONE/IN THE VISITING ROOM

Parents and children often have difficulty communicating even when there is no such interference as arrest, incarceration, and separation. Finding things to talk about is no less challenging for incarcerated parents, but opportunities for talking are limited, and so sometimes the parent feels pressure to make the conversations count and to make the communication meaningful.

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*"I try to remember what I see and hear, so I can tell my mom about it. Mommy told me that I'm her eyes and ears for now, and all that she knows of the world she knows through me. I watch the moon, because it's the same moon she sees, so it's almost like being together."*

*—Sonny, age 9*

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Although many people think that the measure of successful communication is when they speak and others act in response to their speaking, what really counts and what is meaningful in these conversations is **when the parent listens to what the child is saying**. The subject matter is not as important. There are plenty of subjects that interest children of different ages. Whether the conversation is in the visiting room or on the telephone, parents can show interest in their children's lives and ask detailed questions about their interests. Younger children may be interested in animals, nature, television, school, games, and friends. Older children are often interested in sports, music, dance, movies, television, clothes and fashion. Most children like to hear about what their parents were like and what they did when they were younger.

While incarcerated parents and their children can't do many things together, they can do a lot of things "together apart." For example, they can plan to read the same book or watch the same television show, and talk about what they thought of it.

### 37 THE POWER OF CONVERSATION

Sometimes it's hard to sustain a conversation for the length of the visit. Depending on the age of the child, games can be created. Most jails and prisons allow writing paper and pencils, enabling word games, tic-tac-toe, guessing games, and math games. Writing and drawing can consume time and stimulate the child's intellectual abilities, while at the same time holding the parent's anxiety down by keeping her/him occupied and engaged in an activity along with the child.

As tempting as it is for incarcerated parents to try to guide or "correct" their children's behavior, this can be a very poor use of the limited time children have access to the parent. Sometimes the child is brought to the visit by a caregiver explicitly for this purpose, as when the custodial parent or grandparent brings the child and asks the incarcerated parent to discipline the child. Outside adults should avoid using the visit as an opportunity to complain and recite a list of "sins" committed by the child, as this may deter the child from wanting to visit again and places the parent in an awkward position.

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**"It felt good to tell my mom about what it is like for me in foster care. I feel angry because I feel like I'm growing up too fast. I was able to tell her how I feel and she really listened. She didn't have all the answers but I felt like she understood...and that felt good." —Faye, age 15**

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Sometimes parents turn the conversation towards talking about what it will be like when they come home, making promises which are difficult to keep and which shift the relationship from the present to an uncertain future. Children need support in coping with the reality before them and in strengthening their relationships with their parents in the here and now. Conversations generated from focused listening—rather than talking—on the part of the incarcerated parent can mean so much to children, and offer opportunities for in-depth communication that children may not get to have with their busy caregivers on the "outside."

# SECTION 4: FACILITATING COMMUNICATION BETWEEN CHILDREN AND THEIR INCARCERATED PARENTS



The previous sections illustrate why maintaining communication between children and an incarcerated parent can be so important for children’s happiness, wellbeing and healthy growth. Despite this fact, it is neither easy nor obvious; it requires a strong information base about the criminal justice system and about rules governing contact. This information can feel hard to come by. This section aims to provide much needed information about the three main forms of communication available to children and their incarcerated parents—phone calls, letter writing, and visiting—in order to help you support the relationship between a child and her incarcerated parent. A fourth mode of communication—televisiting—is currently being explored and expanded, and is discussed briefly on p. 53.<sup>17</sup>

While many families communicate with their incarcerated loved ones only through letters and phone calls, visiting provides the most intimate possibility for communication and a particularly important one for the parent-child relationship, particularly for younger children who need physical closeness and touch to build attachment. For children of all ages, visiting (when in the child’s best interest) provides a very important form of communication, for it allows for face-to-face contact which promotes the expression of feelings and strengthens relationships. Visiting is also the only form of communication with a parent who is incarcerated that allows for nonverbal communication and the strengthening of relationships through being and doing things together. New York has especially humane visiting policies, with contact visits being the standard form of visiting in all prisons and many jails. At the same time, state prisons are typically located in rural areas, distant from major population centers and difficult and expensive to reach by public transportation. And a dizzying array of rules and regulations governing visiting and other forms of contact can add stress, frustration, and insecurity.<sup>18</sup>

17 Updates to this handbook on changes in visiting policies and the availability of televisiting will be available online at [www.osborneny.org](http://www.osborneny.org).

18 Up to date information about visiting policies for New York State prisons can be found at [www.doocs.ny.gov](http://www.doocs.ny.gov) including a *Family Guide* updated in 2012.

## THE DIFFERENCE BETWEEN JAIL AND PRISON

It is important to understand the difference between a jail and prison, as rules governing communication differ accordingly.

### JAIL

Jails are county facilities operated by sheriffs and/or local corrections departments, and are designed to hold in custody individuals awaiting trial, who cannot afford bail or for whom bail has not been set, or who are being held on probation or parole violations. Jails may also hold people who are under prison sentence but have been brought to the local jurisdiction for a court appearance. Jails (and county penitentiaries) may also hold individuals who have been convicted and sentenced to one year or less, usually for misdemeanors. There are approximately 3,600 jails in the United States.

In general, since jails are within the county where the individual was arrested and often near the person's home, distance is not a barrier to visiting. However, jails are designed for short stays. They do not tend to be visitor-friendly, so visiting is not necessarily easier, and may offer only non-contact visits (through glass).

In New York, Rikers Island generally houses between 11,000 and 18,000 people in the largest jail complex in New York and the second largest jail system in the country.<sup>19</sup> Rikers Island and the New York City borough jails are operated by the City of New York Department of Correction (DOC). Although sentenced individuals will serve less than a year, people awaiting trial or sentencing may be detained for more than one year.

County jails are subject to state law and minimum standards, but the rules and regulations about communication vary from county to county. **It is important to call the jail before visiting or sending packages.** Phone numbers for these are available on the Internet and in the online resource guide available at [www.osborneny.org](http://www.osborneny.org).

Information about Rikers Island or other New York City jails is available on the New York City Department of Correction's website at [www.nyc.gov/html/doc/html/home/home.shtml](http://www.nyc.gov/html/doc/html/home/home.shtml).

<sup>19</sup> There is one women's jail and two jails which hold adolescents on Rikers. See City of New York Department of Correction (2011). *DOC Statistics Average Daily Inmate Population*.

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### PRISON

Prisons are operated by the state or by the federal government (the Federal Bureau of Prisons) and are designed to hold individuals convicted of felonies (more serious crimes that can be punished by sentences longer than a year). In 2011, there were 60 prisons in New York State overseen by the Department of Corrections and Community Supervision (DOCCS), including 5 women's prisons.<sup>20</sup> There are also designated drug treatment and "shock incarceration" facilities (those sent to a "shock" facility are generally serving a sentence of six months in an intensive boot-camp program).<sup>21</sup> As of January 1, 2011, New York State prisons held 56,315 people in custody.

Prisons may have differing security classifications: maximum, medium and minimum security. Depending on criminal history, crime, length of sentence and other factors, individuals must serve time in the designated security level, although they may be moved between prisons numerous times during their incarceration. Often, people are transferred to lower classification prisons and brought closer to home as they near their release.

**Information about all New York State prisons including the location, address, and phone numbers are available at [www.doccs.ny.gov](http://www.doccs.ny.gov).**

20 The New York State Department of Correctional Services (DOCS) was renamed in 2011 to reflect the merging of State Corrections and Parole; the Department then became the Department of Corrections and Community Supervision (DOCCS).

21 Shock Incarceration Program is a six-month program for young, nonviolent incarcerated people for early parole release consideration. The Program provides a schedule of rigorous physical activity, intensive regimentation, discipline, and drug rehabilitation.



## PHONE CALLS

Phone calls are a common means of communication between incarcerated parents and their children. In general, phone calls from jail can be made with fewer restrictions than in prisons. All phone calls are subject to monitoring and/or recording.

New York operates a telephone system in state prisons that allow collect calls. Before a person can accept a collect call, a recording plays that says, "This call is from a New York State correctional facility." These calls are more expensive than community collect calls and are monitored. The "call home" program allows incarcerated persons to call a pre-approved list of up to fifteen phone numbers that can be self-dialed at telephones in housing units in most facilities. Calls to mobile phones, and forwarded or third-party calls are prohibited.

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**"My mom calls every night at 10pm, so I'm always home then. We sometimes argue over who gets to speak with her first, but my sister, brother and I look forward to her call. I can't imagine not getting to speak with her, especially because we can't visit her; she's so far away."**

**—Diarra, age 17**

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## CHALLENGES

- Calls from prisons can quickly become expensive. Some families choose to place a "block" on their phones so they cannot accept collect calls; others run up very expensive phone bills or lose their service because of unpaid phone bills.
- Children who are able to speak with their parents via phone are sometimes frustrated by a recording that interrupts calls as well as timed cut-offs of calls.

For most children, these frustrations do not outweigh the benefits of being able to speak with their parents, hear their voices and update them on their days and experiences.

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### TIPS/RECOMMENDATIONS

- Social workers, guidance counselors and others can assist a child in speaking with her parent by accepting collect calls, having their office number on the parent's "approved" phone list, and scheduling a designated call time, or working with prison staff to schedule a time for the parent to call the child.
- Professionals can also arrange phone contact between themselves and the incarcerated parent to facilitate important communication and decision-making about the child. For example, schools can include incarcerated parents in their child's Individualized Education Plan (IEP) conference or parent-teacher conferences, and foster care agencies can teleconference service plan reviews.

## LETTER WRITING, PACKAGES, & OTHER MAILED COMMUNICATION

### LETTER WRITING

While letter writing may seem outdated in this age of Internet, social media, and instant messaging, it is one of the most effective ways to communicate with an incarcerated parent. The rules governing written communication are generally the same regardless of where a parent is incarcerated. In most cases, anyone can write to an incarcerated person and if the envelope is correctly addressed (name, identification number, facility address) it generally reaches its destination. County jails provide one ID number to incarcerated people,<sup>22</sup> but if they go into the state prison system, they will receive what is called a Department Identification Number or DIN.<sup>23</sup>

When writing to an incarcerated parent, be sure to clearly identify the name of the sender and return address, as well as the incarcerated parent's name, identification number, and the correctional facility address. All incoming mail must have clearly identifiable information or it may be considered contraband and will not be delivered.

22 To locate an incarcerated person in a jail, go to the local county jail's website for an "inmate lookup" search engine.

23 A DIN is assigned to each person admitted to DOCCS and is used throughout the person's term of incarceration no matter in which prison he or she may be housed.

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In certain professional fields—child welfare and education, for example—there are mandates (laws and regulations) requiring certain kinds of communication and correspondence with a parent who is incarcerated. It is important to be clear about what these are, as well as to set your standard at the level of best practices (what is best for children), not only what is required.

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To find the prison identification number (DIN) for an individual in a New York State prison, use the “Inmate Lookup” system on the Department of Corrections and Community Supervision’s (DOCCS) website or call DOCCS for assistance at (518) 457-5000. Due to the large volume of requests, callers may experience slight delays when they call. Additionally, people arrested in New York State are assigned a New York State ID number (NYSID),<sup>24</sup> which will follow them from local to state prison, and for the rest of their lives, but for the purposes of addressing a letter, the DIN should be used if they are in the state prison system.

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Some prisons offer special programs where a parent can read a story book on tape or CD and mail this recording home along with the book the parent read so that the child can read along while hearing the parent’s voice.

24 NYSID numbers are intended for criminal justice agencies only since they are more commonly used for record-keeping.

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### SOME OTHER CHALLENGES TO LETTER WRITING:

- There can be times when stamps are not available within the correctional facility, making it impossible for parents to mail their letters.
- The mail review process can delay the sending and receiving time; all incoming and outgoing letters can be opened by the facility and read.
- Some children are discouraged by the amount of time it takes to send and receive letters. Many would prefer to e-mail, which currently is not an option in New York State. They may view letter writing as a chore or extension of their homework.
- Letters that come from incarcerated parents may be stamped that they are from a correctional facility, and the child or caregiver may find this embarrassing.
- The literacy level of the parent or child may hinder letter writing. Parents can draw pictures for pre-verbal children, and the fact that they wrote while the child was young will mean something to the child as he gets older.
- Some parents become discouraged when/if they do not receive letters back from their children, not realizing that their letters may be cherished by children, even when children do not respond (for various reasons).

See pp. 34-35 for tips on letter-writing.

### PACKAGES AND MONEY

The policies governing mail and acceptable items to send (including packages and money) vary from facility to facility (each jail and every prison may have different rules). So **it is very important to check with the specific facility in advance**. Guidelines for allowable items can be requested when visiting an incarcerated parent, can be mailed by the facility, or can be requested by calling the specific facility directly or checking the DOCCS website.

These rules can be frustrating for children, who may want to send their parents a variety of gifts. It is very disappointing (and makes no sense to a child) that the beautiful clay pot, key chain, or birdhouse he made in school and want to show his parent cannot be mailed to him. For their parents'

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birthdays and holidays (such as Mother’s Day and Father’s Day), children may want to send clothing or other gifts, often things that will only be returned or destroyed because they are not permitted in a jail or prison.

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**Contraband is the word used within correctional systems to mean any banned item. Some items being defined as “contraband” (dangerous and forbidden) are obvious, such as weapons and drugs; other items, such as lip balm, gum, and crayons, are less obvious.**

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## VISITING A PARENT IN JAIL OR PRISON

Visiting is perhaps one of the most important ways to maintain, build or enhance a positive parent-child relationship when a parent is incarcerated. Though challenging, visiting a parent in jail or prison can be a positive experience that can dispel fears, support attachment, promote healing, and provide the opportunity for improving familial relationships. Supporting children’s positive visiting experiences is the subject of Section 2, pp. 16-27.

Before heading off with children for a visit, it is crucial to verify that the parent is in fact there, and what the visiting hours and rules are. You can do this by calling the facility (phone numbers for all state prisons are available on the DOCCS website). For county jails there may be a website (information about visiting Rikers Island is on the New York City DOC website), or a local phone number to call. Before calling, make sure you have the correct spelling of the parent’s name, his/her date of birth and identification number.

Thankfully, in all of New York State prisons and on Rikers Island the standard for visiting is contact visits. Non-contact visits generally involve sitting on opposite sides of glass which can be very upsetting, confusing and scary for children. Some county jails do only allow for non-contact visits, and in certain situations Rikers Island or state prisons may designate a non-contact visit as a result of an “infraction” committed by the incarcerated person (meaning they broke the facility rules and are being punished). It is very important to call in advance of a visit to find

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out about the visit conditions. If there are restrictions, it may be best to postpone the visit until they are lifted.

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While jails are generally closer to home than prisons, they tend to be less child-friendly. Visits will vary from county to county, so call the jail in advance to learn about their visiting hours, procedures, and conditions. If a jail has non-contact visits, contact the jail and inquire if contact visits may be arranged when children are visiting (non-contact visits are very upsetting, even traumatizing, to some children).

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Although each jail and prison has different visiting rules and arrangements, the following are factors to consider wherever you are visiting:

### TRANSPORTATION

New York City jails can be reached by public transportation; information about travel to particular jails is available on the New York City Department of Correction (DOC) website as well as by calling 311 (available only for the New York City area).

New York State prisons are generally more difficult, and some are impossible to access via public transportation. The few facilities located within the five boroughs are reachable by public transportation. Some within 100 miles of New York City are accessible via Metro North railroad. Many of the 60 prisons located in other parts of the state are only accessible via car. At the writing of these handbooks, DOCCS has eliminated the free visiting bus program that they provided since 1973 to provide monthly transportation to all of their prisons. There are privately operated bus lines that provide transportation to many state prisons. Seats must be reserved in advance. For up to date information, please call 1-800-344-3314.

Despite the importance of visiting for children, distance (and the associated costs) is probably the number one barrier to visiting frequently and sometimes, at all.

### WHO CAN VISIT

In the county/city jail system, virtually anyone can visit if he/she has proper identification (a state-issued photo ID). In all jail and prison visits, identification is very important, and a photo ID for every visitor—except minor children who will need their birth certificates—is required. For children being accompanied by an adult who is not their parent or legal guardian, a letter from the parent or guardian along with the birth certificate is necessary. When a child is escorted by a social worker or agency official, the escort should have a valid driver’s license as well as agency identification. There are often limits on the number of visitors (no more than three, for example), so calling in advance to find out the specifics of visiting rules is very important.

In the state prison system, visitors must first be placed on an approved Visitor Record (with some exceptions). Children who are visiting their parents may visit on their own once they turn 16; other children may visit on their own once they are 18.

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To speed up your visitor processing and make it less stressful, bring as little as possible with you. Make sure to check all your pockets thoroughly to make sure there is nothing in there that you have forgotten about. Leave any questionable items in the locker provided or in your car. Under no circumstances should you attempt to bring drugs or weapons or any contraband items into the facility.

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## VISITOR PROCESSING:

### WHAT (NOT) TO WEAR AND WHAT (NOT) TO BRING

Correctional facilities are charged with maintaining security, so many of their rules are designed to reduce the amount of contraband (items not permitted inside a facility, see p. 46) that comes inside. Corrections officials are always concerned with keeping drugs and weapons out of their facility. They consider visitors to be a prime source of both drugs and

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weapons, so visitors are always searched via a metal detector, generally after removing shoes, belts and other items similar to the searches in airports. Searches may also include a wand, dogs, ion scanners, or more invasive body searches if it is believed to be warranted. People bringing children on visits who attempt to introduce contraband will be arrested and their minor children may be turned over to local child welfare authorities. Visitors are arrested frequently, subjecting children to terrible and traumatic situations. **Do not bring contraband into the facility.** Incarcerated parents who ask for drugs, weapons, or other banned items are knowingly placing their loved ones at unacceptable risk of arrest, trauma, loss of visiting privileges, and foster care.

At some prisons, an underwire bra will set off the metal detector, and a woman will be asked to go to the bathroom, remove her bra, place it in a paper bag, hand the bag to an officer, and walk through the metal detector again. In order to avoid this whole process, **it is best to wear a sports bra or a bra without a metal underwire.** Even children are subject to strict dress codes which usually include no tank tops or sleeveless shirts or dresses (even in the summer), no short shirts showing midriffs (including when the arms are lifted—so test out your shirt by lifting your arms up), no short skirts above the knees, and more.

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“The worst visit I ever had—or never had—was when my caseworker wore these jeans that the officer said were not allowed because they were tight and had a bunch of metal designs on them. I was too young to visit by myself, so we traveled all this way and I didn’t get to see my dad. I was so mad and sad, and... I was only 8 so I couldn’t even understand all the upset feelings I had. It just wasn’t fair.”

—Jeffrey, age 14

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To speed up your visitor processing and make it less stressful, do not wear clothing or hairstyles with metal, or outfits that will be disturbed by having to remove hats, scarves, outer layers (such as cardigans, open button-down shirts, or sweatshirts). Travel as lightly as possible. If you travel by car, leave all items except your car keys, money and ID in your car and make sure to check all your pockets thoroughly to make



sure there is nothing in there that you have forgotten about. Leave any questionable items in the locker provided or in your car. Under no circumstances should you attempt to bring drugs or weapons or any contraband items into the facility.

### FAMILIES WITH SPECIAL NEEDS

Procedures for acquiring reasonable accommodations for individuals with special needs are available at each New York State prison.

### VISITING TIME

Visiting only occurs during approved visiting hours, so it is important to find out exactly when these are and to arrive early! At some facilities, lines form several hours before the facility is open to the public. In jails, there are different visiting hours and rules for pretrial detainees (those awaiting disposition or sentencing) and sentenced individuals (serving one year or less).

**New York State maximum security prisons offer visiting seven days a week. Most other prisons and many jails offer weekend and holiday visits.** Sometimes the visiting days go by the incarcerated person's last name (with last names beginning with A-L visiting one day, and M-Z visiting another day). Some jails and prisons will make separate visiting times available for children in foster care visiting with their case-workers; this usually has to be arranged in advance with the facility.

Most maximum security prisons and some medium security prisons offer a **Family Reunion Program (FRP)** which allows for overnight visits providing an extended and more normalized time together.<sup>25</sup> The incarcerated person applies for the FRP and has to meet certain criteria to be granted an FRP; approval also depends on who the visitors will be. Calling the particular prison to inquire about their specific rules for FRPs is a good idea.

**There are many variations on when visits can happen, so it is very important to call in advance to find out specifically when the hours are for the parent you want to visit.**

25 State of New York Department of Corrections and Community Supervision. (2011) *Family Reunion Program*, Directive #4500, describes in detail the application, eligibility, and participation regulations.

## 51 FACILITATING COMMUNICATION BETWEEN CHILDREN AND THEIR INCARCERATED PARENTS

If possible, it is a good idea to write the incarcerated parent in advance and let him know when you plan on visiting. If the parent is expecting the visit, he can be ready when he is notified that he has a visit, which can reduce the child's waiting time. This also allows the parent to prepare emotionally for the visit, to think about what his children need from him, and to prepare any questions he has for the visit escort. If you cannot make the scheduled visit time, it is important to try very hard to get word to the parent and reschedule as soon as possible. Parents may worry that something terrible has happened to their child. This is also why it is very important to make a visit happen on the scheduled date.

### VISITING AREAS

Most correctional visiting areas in New York State are large rooms somewhat resembling school cafeterias. There may be as few as 20 or as many as 100 small tables with chairs around them. Some visiting rooms have long tables with bench seats where visitors sit on one side and those they are visiting on the other. The size of the room may not correspond with the number of people incarcerated or the number of visitors, so the room can be overcrowded, particularly on weekends and holidays. There is often little ability for private conversations, and many jails and prisons offer little for children to do.

---

**"I grew up in the visiting room with my mom—she's been incarcerated since I was 4. I'm grateful for the Children's Center so we could touch and hug and play together. These are my childhood memories with her."**

*—Tonya, age 17*

---

All of the women's prisons in New York State do offer some kind of children's area and many men's prisons do as well. Most prison visiting rooms do minimally offer playing cards; some also have crayons and paper. Some facilities offer outside visiting spaces and most prisons also schedule a number of special events throughout the year, including family days.

About half of all of New York's state prisons offer Hospitality Centers (HCs) which are open on weekends and are operated by community or

faith-based organizations. The HCs offer a welcoming place for visitors to stop prior to their visit, to gain practical information, and to receive support, as needed. This can be particularly helpful for visitors who have traveled long distances and may be in need of assistance.

## DURING THE VISIT:

### ACTIVITY, FOOD, AND PHOTOS

**The “Count”:** Several times a day, virtually all movement stops within correctional facilities while incarcerated persons are counted. In many facilities, there is a “count” around 11 a.m., so it is best to arrive before 10 a.m. or after 12 p.m. as no visitors will be allowed in until the count has “cleared,” and no incarcerated people will be brought to the visiting room during this time. The count can take from 30 minutes to 2 hours to “clear.” If you are visiting with someone during count, you may find that all incarcerated people are required to stand or assemble in a line, and all visitors to sit while those incarcerated are counted. This overall experience can be confusing for children as it interrupts their visit and also reminds them that their parents are prisoners.

---

Many waiting or visiting rooms in both jails and prisons have vending machines for food and beverages, but it is a good idea to eat before your visits and especially to feed children beforehand in case the vending machine food is not available for some reason. Some jails may not offer vending machines within the visiting room since visits may only be 45 minutes long; prison visits usually last longer.

---

**Food:** Most jails and prisons do not allow visitors to bring any food into the visiting room. There are usually vending machines in the visiting room of prisons, but don’t count on it! If you are traveling with children, it is best to eat something before you visit; vending machines are

## 53 FACILITATING COMMUNICATION BETWEEN CHILDREN AND THEIR INCARCERATED PARENTS

expensive, run out of food, and are sometimes broken. If possible, bring a lot of change and do not assume that the cost or quality or availability of food is similar to what children may eat in other settings.

**Photos:** Many prisons and a few jails offer a photo program, “Click Click,” where visitors can get instant photos of the person they are visiting. These are generally a few dollars each and—while expensive—are so important for children and parents. Photos can also serve as transitional objects helping children say goodbye and allowing them to leave with a representation of the parent. Children of all ages often treasure these photos, and they also create memories and can be put in a family album.

### TELEVISITING WITH A PARENT IN JAIL OR PRISON

Televisiting is a promising additional means of communication between children and their incarcerated parents. It is a live and interactive virtual visit using videoconferencing technology (similar to “Skype”). It is currently offered in only a few prisons and jails, though this may expand in the future. Televisiting can be effective in maintaining and strengthening the parent-child relationship, and is an effective supplement to face-to-face visits (not a replacement). Ideally, there are trained staff at both ends (someone with the incarcerated parent at the jail or prison and someone with the children). To find out which DOCCS prisons offer televisiting, contact their central office at 518-457-5000. To find out if a county jail offers this, call the county jail directly.

### FOSTER CARE VISITS

There are strict statewide regulations governing visits and contact for children in foster care, though there may be county variations to how these are carried out. The New York City Administration for Children’s Services (ACS) has published a handbook entitled, *Out of Sight, NOT Out of Mind: Important Information for Incarcerated Parents with Children in Foster Care*.<sup>26</sup> This handbook details the rights and responsibilities of incarcerated parents with children in foster care and is helpful for case-workers and foster parents as well.

## 54 STRONGER TOGETHER: VOLUME II

Children in foster care with incarcerated parents experience a double separation and a double sense of abandonment. Their attachment and developmental needs may get overlooked, and, in general, training about working with incarcerated parents is not part of the general caseworker training. Additionally, high caseworker turnover combined with the distance of most prisons can make visiting infrequent. On the other hand, many prisons and jails will make special visiting arrangements for children in foster care. To inquire about foster care visits at a particular facility, a call should be made to the superintendent (prison) or warden (jail), and this should be followed by a letter including the following information:

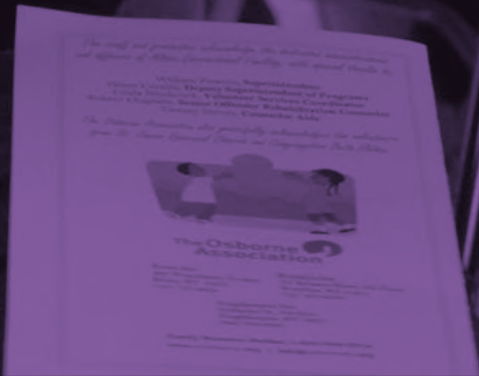
- The name of the incarcerated individual;
- The Department Identification Number (DIN#) or equivalent for jails;
- The name of the social worker and the agency being represented; and
- The children's names and dates of birth.

Instead of visiting during the general visiting times, a gate clearance may be generated allowing the visit to take place at additional times, when general visiting is not in effect. These visits may also include shorter waiting times and extended visiting time for the parent and child.

**Volume III** covers additional information about children in foster care, including kinship foster care (see pp. 36-42, and pp. 50-52).

26 To order a free copy, contact the Children of Incarcerated Parents Program (CHIPP) at the New York City Administration for Children's Services, Office of Family Visiting/CHIPP, 150 William Street, 8th Floor, New York, NY 10038.

# CONCLUSION



**56** STRONGER TOGETHER: VOLUME II

Communication is the source and strength of relationships. As a professional or caregiver working with and/or caring for children of incarcerated parents, you have an important opportunity to foster and support these relationships by supporting a child's communication with her incarcerated parent. While the opportunities for communication are carefully defined and rigorously controlled, the possibilities are endless. For many children, the prison visit may be the first time their parents have really taken the time to talk to them, to share their thoughts and feelings, to listen to them, and to spend time with them. Even children whose contact is limited to letters and phone calls can be greatly sustained by this special relationship, in which their parents can provide encouragement, support, and a listening ear on a consistent basis.

## 57 CONCLUSION

In addition to facilitating the communication between the child and his parent, you can provide a valuable forum for communication by listening to the child. Listening is not a passive act; listening to children provides them with new possibilities, new opportunities, new hope, and possibly a more confident sense of self. By facilitating, empowering, and supporting a child's efforts to write to, speak with, and see his incarcerated parent, and by assisting the incarcerated parent in remaining connected to his children, you are fostering the possibility that the child will be listened to and that a critical relationship will be nurtured.

While you may not be able to change the fact that a child's parent is incarcerated, you can change how the child experiences the incarceration, and what messages about life and himself he takes away from this experience. You can stand for a child's right to be kept safe and informed, to be considered, not to be judged and stigmatized, to have access to her parent, and to have a lifelong relationship with her parent.<sup>27</sup> You can do this whether you are the child's parent, caregiver, counselor, grandparent, social worker, coach, foster parent, teacher, relative, or friend.

You can do this. You can make the difference in a child's life. **You.**

<sup>27</sup> See *Children of Incarcerated Parents: A Bill of Rights* (2005) on the inside cover of this handbook.

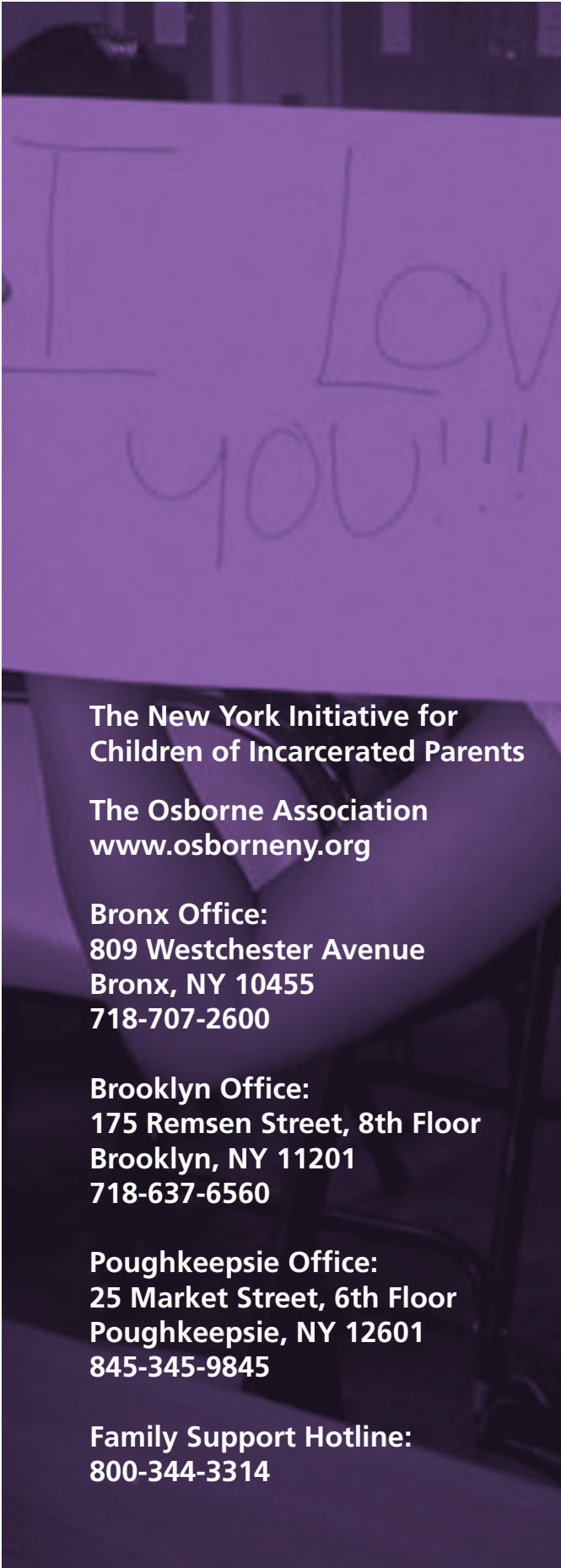


## **CHILDREN OF INCARCERATED PARENTS:**

# **A BILL OF RIGHTS**

- 1 I have the right TO BE KEPT SAFE AND INFORMED AT THE TIME OF MY PARENT'S ARREST.**
- 2 I have the right TO BE HEARD WHEN DECISIONS ARE MADE ABOUT ME.**
- 3 I have the right TO BE CONSIDERED WHEN DECISIONS ARE MADE ABOUT MY PARENT.**
- 4 I have the right TO BE WELL CARED FOR IN MY PARENT'S ABSENCE.**
- 5 I have the right TO SPEAK WITH, SEE AND TOUCH MY PARENT.**
- 6 I have the right TO SUPPORT AS I STRUGGLE WITH MY PARENT'S INCARCERATION.**
- 7 I have the right NOT TO BE JUDGED, BLAMED OR LABELED BECAUSE OF MY PARENT'S INCARCERATION.**
- 8 I have the right TO A LIFELONG RELATIONSHIP WITH MY PARENT.**

San Francisco Children of Incarcerated Parents Partnership (2005). See [www.sfcipp.org](http://www.sfcipp.org).



**The New York Initiative for  
Children of Incarcerated Parents**

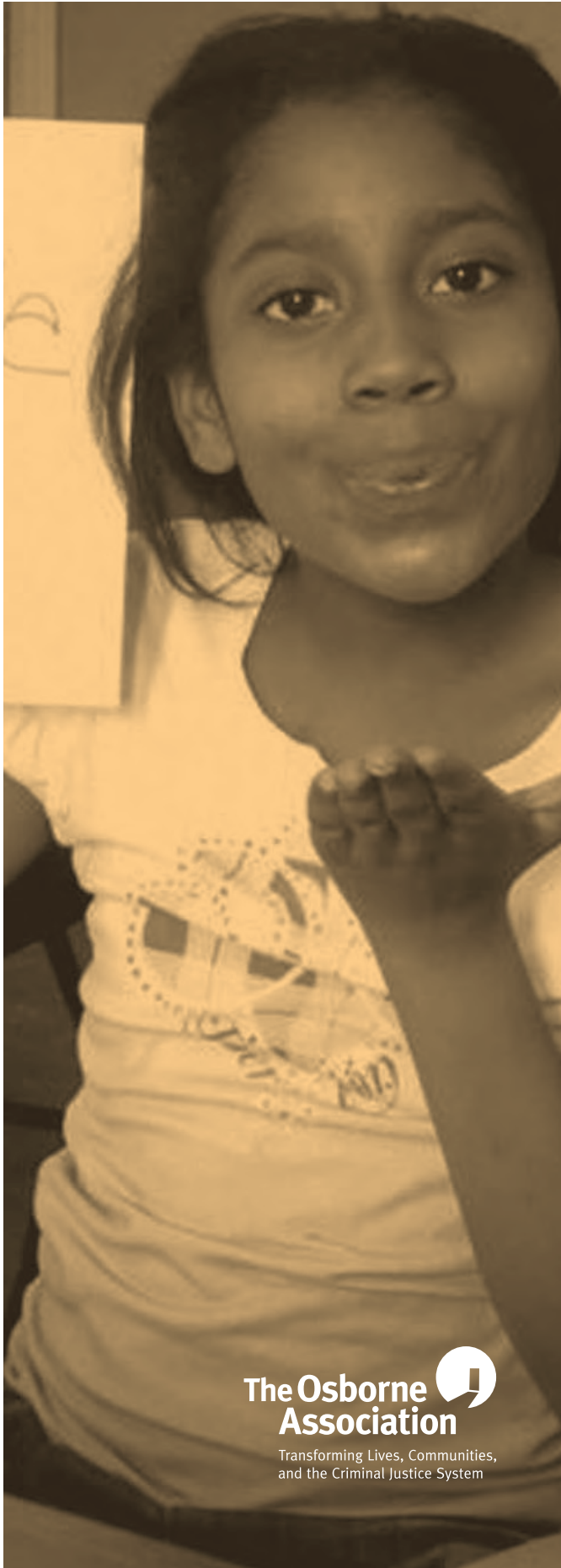
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[www.osborneny.org](http://www.osborneny.org)

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Bronx, NY 10455  
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Brooklyn, NY 11201  
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25 Market Street, 6th Floor  
Poughkeepsie, NY 12601  
845-345-9845

**Family Support Hotline:**  
800-344-3314



**The Osborne  
Association**  
Transforming Lives, Communities,  
and the Criminal Justice System




# STRONGER

Volume III:  
Information for  
Non-Parent  
Caregivers of  
Children with  
Incarcerated Parents



# TOGETHER

The Osborne Association   
Transforming Lives, Communities,  
and the Criminal Justice System

# **STRONGER TOGETHER**

## Volume III: Information for Non-Parent Caregivers of Children with Incarcerated Parents

### **ABOUT THE OSBORNE ASSOCIATION**

Founded in 1931, the Osborne Association works in partnership with individuals, families and communities to create opportunities for people affected by the criminal justice system to further develop their strengths and lead lives of responsibility and contribution. We design, implement, and advocate for solutions that prevent and reduce the damage caused by crime and incarceration.

### **ABOUT THE NEW YORK INITIATIVE FOR CHILDREN OF INCARCERATED PARENTS**

The New York Initiative for Children of Incarcerated Parents was launched by the Osborne Association in 2006, following the creation of the *Children of Incarcerated Parents' Bill of Rights* by the San Francisco Children of Incarcerated Parents Partnership. The Initiative works with government, community, and faith-based partners to advocate for policies and practices that meet the needs and respect the rights of children whose parents are involved in the criminal justice system. The Initiative also serves as a tri-chair to the statewide Children of Incarcerated Parents Coordinating Council launched in October 2011.

Front cover photo by Teresa A. Miller, 2012.

## **ACKNOWLEDGMENTS**

The *Stronger Together* handbooks owe their existence to the wisdom, insight, vision, and deep commitment of their original authors who in 1993 issued *How Can I Help?*, a series of three handbooks published by The Osborne Association. Written by Margaret Brooks (Volume I), Elizabeth Gaynes (Volume II), and Jane Schreiber and Elizabeth Gaynes (Volume III) and reviewed by an interdisciplinary advisory committee, much of what they wrote 20 years ago (for better or worse) holds true today. We also extend a heartfelt thank you to the children, youth, caregivers, and parents who shared their personal experiences and courage with us to enrich the updated handbooks.

The revised handbooks were updated by Elizabeth Gaynes, Tanya Krupat, Dana Lemaster-Schipani, and Joan Hunt. Volume III was developed by Gerard Wallace, and written by Gerard Wallace, Rachel Glaser, Michelle Rafael, Lynn Baniak, Tanya Krupat, Dana Lemaster-Schipani, and Elizabeth Gaynes. Virginia Lowery and Kasey Currier provided skillful copyediting.

We are grateful to Jedd Flanscha for his design, patience and persistence.

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## ABOUT THE HANDBOOKS

In 1993, The Osborne Association published a three-volume handbook series entitled *How Can I Help? Working with Children of Incarcerated Parents*. Almost twenty years later, the handbooks have been revised and are republished here under the new title, *Stronger Together*. This reflects our view that we must come together to address the needs of children with incarcerated parents, including overcoming the isolation that comes from the stigma and shame associated with incarceration. The goal of the original handbooks and of those reissued in 2012 is to champion and support the hundreds of thousands of children in New York State (and the millions of children nationally) whose lives are disrupted by the arrest and/or incarceration of a parent.

While the handbooks have changed since 1993, much of the content of the first series is still relevant and forms the core of the republished Volumes I and II. ***Volume I: Experiences of Children of Incarcerated Parents*** focuses on children's feelings, experiences, and responses. ***Volume II: Maintaining and Strengthening Family Ties for Children of Incarcerated Parents*** discusses why and how to maintain parent-child relationships. ***Volume III: Information for Non-Parent Caregivers of Children with Incarcerated Parents***—an entirely new handbook—provides needed information for and addresses the most common concerns of caregivers. Please note that the original 1993 Volume III was a handbook of general resources, which is now out of print, and is available as a PDF file (as are the new handbooks) on the Osborne Association website at [www.osborneny.org](http://www.osborneny.org).

All of the *Stronger Together* handbooks include information, tools, and resources, as well as vignettes and quotes to illustrate real-life examples. They are written for a diverse and broad audience who significantly touch and influence children's lives, including caregivers of all kinds, professionals, volunteers, family members, and other caring adults. While the handbooks focus on children and the criminal justice system in New York State, they are designed to be helpful for those in other states as well.

### **A COUPLE OF CAVEATS ABOUT THE STRONGER TOGETHER SERIES:**

First, *the handbooks focus on the majority of situations in which parents are incarcerated for non-child-related crimes.* They do not address situations where a parent harmed a child directly or indirectly, such as when a violent act was committed against the other parent, a sibling, or family member. These are complex cases and require careful and ongoing assessment, professional advice, and therapeutic support.

Secondly, while some of the information in the handbooks may apply to children whose parents are being held within immigration detention facilities or facing possible deportation, there are substantial differences in their experiences and the resources available to them. It was beyond the scope of this series to address these issues, though we offer resources online.

Lastly, we have tried to address as wide a range of experiences and circumstances as possible, but do not pretend to have covered all possible scenarios.

We are committed to empowering you to proactively reach out to children with incarcerated parents and their families to assist them in navigating this challenging and often painful experience. No matter which volume you pick up first, **we strongly recommend that you read Volume I in its entirety.** It will strengthen your own understanding of children's feelings and responses, which will strengthen your ability to effectively respond to children's needs and in turn create supportive and understanding communities for children and families to live in—and for parents to return to.

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# INTRODUCTION

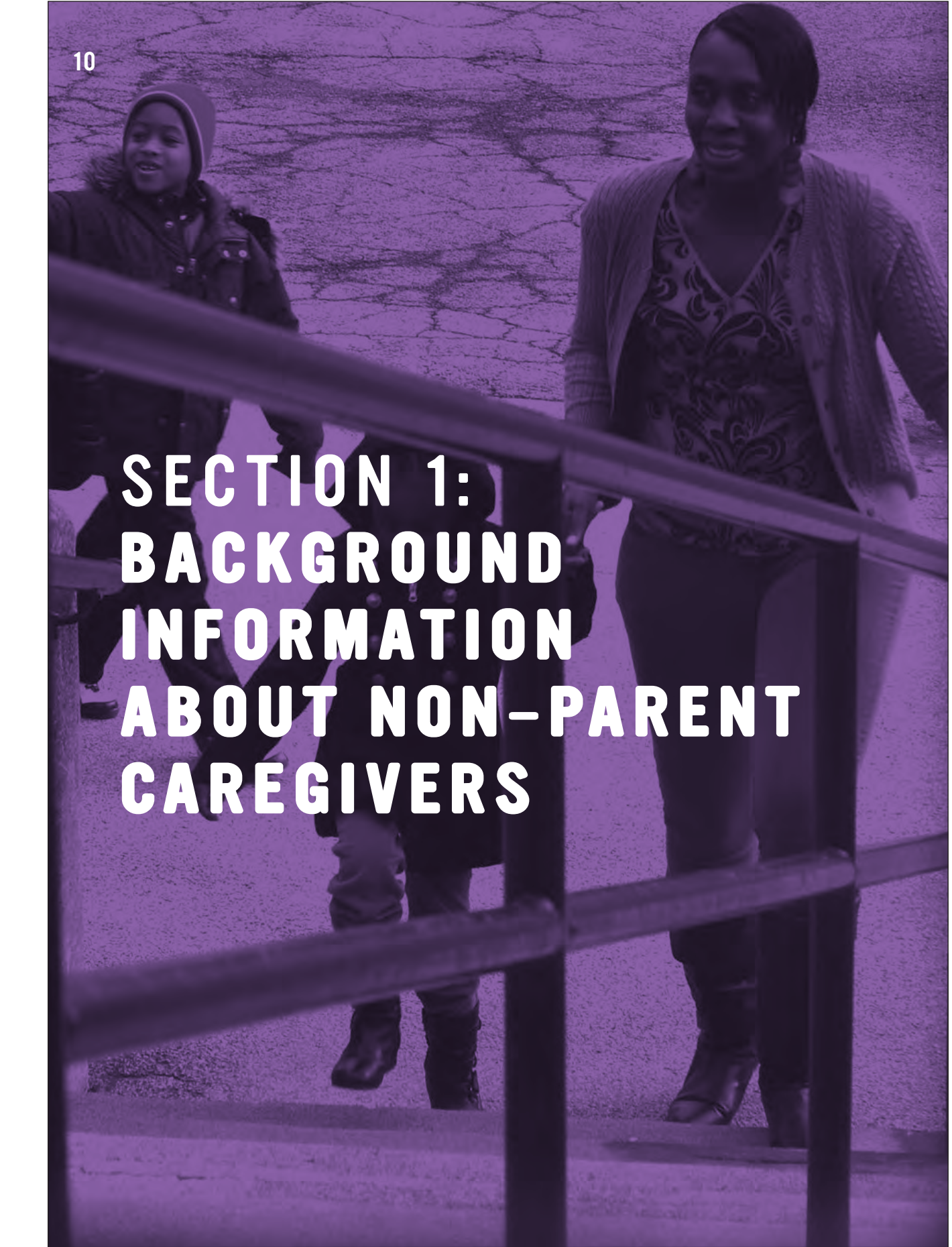
The incarceration of a parent creates many well-documented challenges for children and families. This handbook will focus on the complex situations of non-parent caregivers who, in many cases, were not expecting to be full-time providers for minor children, and who face myriad challenges in terms of custody, legal guardianship, finances, children's health and education, and more. This handbook differs slightly from the previous two in that it is designed as a reference guide for non-parent caregivers of children of incarcerated parents. It does not delve into the emotional and psychological challenges that caregivers face, which are very important to acknowledge and address, but focuses on concrete needs and information. Additionally, the handbook does not focus on caregivers who are the child's other parent, which is the majority of cases when a father is incarcerated. We salute caregivers, acknowledge their challenges, and hope they find support within all of the *Stronger Together* volumes.

Given the stigma attached to incarceration and how difficult it may be to ask for assistance, this handbook aims to provide important—sometimes hard-to-find—information about the services, resources, benefits, and support available to assist caregivers in providing for the needs of the children in their care. We also provide information on the various laws, regulations, policies, and programs that do exist, but are not always user-friendly. The legal information and legal citations are current as of January 2012. This handbook does not provide legal advice. More specific questions or concerns about legal matters should be directed to an attorney.

## 10 TIPS FOR ALL CAREGIVERS

By Dee Ann Newell, MA, Executive Director and Founder Arkansas Voices for the Children Left Behind, Inc.  
Copyright 2011. Permission is required to copy. Contact Dee Ann Newell at [deeann@arkansasvoices.org](mailto:deeann@arkansasvoices.org).

- 1 Recognize that the **children have probably endured multiple traumas and may have behaviors that are reactive to these**, including withdrawal, anxiety, isolation, or aggressive and unpredictable behaviors.
- 2 **Keep the communication door open with the children.** Proactively let them know you are accepting of their feelings and to feel safe expressing them to you in words. You have to tell them this, even when you think that they should know this.
- 3 **Recognize your own ambivalence toward the incarcerated parent** can bewilder the child, who, in turn feels conflicted in loyalties and may shut down their sharing with you.
- 4 Realize that there is **often grieving and mourning in the worlds of these children**, and rituals and symbols help to comfort the children.
- 5 **Tell them stories about yourself as a child**, allowing you to share some of the times when you were conflicted and were successful in working out your conflicts, both internal and with others.
- 6 When seeking counseling for the child in your care, and many need the professional help of mental health providers, **be sure that the therapist has experience and compassion for children of incarcerated parents.** Some of the typical prejudice in our society regarding incarcerated parents also exists with professionals who have not been trained in the research and understanding of these children.
- 7 If there has been a relationship with the parent in prison, and there has been no violence perpetrated against the child by the parent, **permit the children to visit and receive letters and phone calls**, with economics determining the frequency due to the high cost of prison calls. This is so important if the parent will be returning during the childhood of the child, as sustaining the relationship is critical to the well-being of the children. However, children of parents with longer sentences also need to maintain contact and **the sentence length should not determine if there is a relationship.**
- 8 **Never force children to visit their parent**, but if they wish to, be sure to prepare them for the visit, the security protocols, the dress code, long waits, the presence of guards, and the change in appearance of their parent.
- 9 **Know the visiting rules and teach them to the children.**
- 10 **Always tell the child the truth about the incarceration of the parent.**  
Deception will only create more fear.



**SECTION 1:  
BACKGROUND  
INFORMATION  
ABOUT NON-PARENT  
CAREGIVERS**

To best understand and utilize the information provided, it is first necessary to become familiar with some of the basic terms and information about non-parent caregivers, who we will refer to as **kinship caregivers** from here forward.

## WHO IS A KINSHIP CAREGIVER

“Kinship caregiver” refers to someone who provides full-time care for a child in his/her home and who is related to that child by blood (such as grandparents, aunts, uncles, or other relatives) or by marriage (such as step-grandparents), or who knows the child well (such as close family friends). A foster parent who is a stranger to the child is not a kinship caregiver. However, in some instances kinship caregivers can become foster parents and then are referred to as “relative foster parents” or “kinship foster parents.” The majority of kinship caregivers are caring for children *outside* of the foster care system in what are called informal or private kinship care arrangements (also known as kincare and non-foster kinship care). When kinship caregivers become foster parents, this is a public arrangement and is also known as formal kinship or kinship foster care. In this handbook, we will refer to “kinship caregivers” when the information is relevant to both kinship caregivers in and outside of the foster care system; when we need to distinguish, “kinship foster parents” will be used for those who are in the public/foster care system.

## STRENGTH IN NUMBERS: STATISTICS ON KINSHIP CARE

Although there are very few statistics on kinship caregivers specifically caring for children with incarcerated parents, overall New York State has a large number of kinship caregivers. In 2002, there were 186,435 non-parent custodial arrangements for New York’s children.<sup>1</sup> More recently, the Annie E. Casey Foundation reports over 150,000 children are living with non-parents in New York State.<sup>2</sup> The majority of these involve grandparents. More than 55,000 children in New York State live with a grandparent for more than five years.<sup>3</sup>

1 Safir, A. & Leibovitz, H. (2002). *State Profile of New York, 2002 National Survey of America’s Families* (Urban Institute).

2 The Annie E. Casey Foundation, Policy Report Kids Count (2012). *Stepping Up for Kids: What Government and Communities Should Do to Support Kinship Families*.

3 U.S. Census indicates over 412,000 grandparents resided with their grandchildren in 2000. See U.S. Bureau of the Census (2000).

## 12 STRONGER TOGETHER: VOLUME II

The 2009 American Community Survey revealed 141,157 New York grandparents as primary caregivers and provided this snapshot:

- 38% of the grandparents were age sixty or older.
- 46% are Caucasian, 29.4% African-American, and 27.7% Hispanic.
- 22% of these caregivers had an income below the poverty level.
- 48.9% of the children in their care were under six years of age.
- 30% of the children in their care were from six to eleven years old.
- 22% of the children were from twelve to seventeen years old.<sup>4</sup>

According to a report by the Osborne Association, roughly 105,000 children in New York State have parents who are incarcerated.<sup>5</sup> Most of these children live with parents who are not incarcerated and with their mothers. But when mothers are incarcerated, roughly 67% of their children reside in kinship care, mostly with the children's grandmothers.

According to the New York State Kinship Navigator, in a sampling of over 1,000 kinship families, almost 10% reported caring for children with incarcerated parents.<sup>6</sup>

## PARENTAL INCARCERATION AND KINSHIP CARE

Parental incarceration separates millions of parents and children in the United States. As a form of parent-child separation, incarceration presents unique struggles for children and their families; **caregivers are strongly encouraged to read *Stronger Together, Volumes I and II* for a detailed discussion, support and tips on all of the issues mentioned briefly here.**

The stigma and invisibility that accompanies parent-child separation due to parental incarceration can weigh heavily on children and families, and hinder families from seeking the services and support they may need. For kinship caregivers, there are many special challenges, including

4 [http://www.census.gov/newsroom/releases/archives/facts\\_for\\_features\\_special\\_editions/cb11-ff17.html](http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff17.html)

5 Krupat, T., Gaynes, E., and Lincroft, Y. (2011) *A Call to Action: Safeguarding New York's Children of Incarcerated Parents*. New York, NY: New York Initiative for Children of Incarcerated Parents, The Osborne Association.

6 New York State Kinship Coalition. (2011). *Kinship Care in New York: Keeping Families Together*.

### 13 BACKGROUND INFORMATION ABOUT NON-PARENT/KINSHIP CAREGIVERS

children's emotional, psychological, and developmental needs and behavioral reactions to a parent's incarceration. There are also significant obstacles to maintaining the parent-child relationship, such as the financial costs of collect phone calls and arranging visits at prisons that are hundreds of miles away.

The period of incarceration during which caregivers assume full responsibility for the children can last from a few days or months to more than 18 or even 21 years (an entire childhood). The challenges during any period can be overwhelming, and since families often struggle to deal with these on their own, even with the best intentions, decisions are not always informed by what children need or by strategies others have found to be effective. Protecting children from the truth by lying to them about the parent's incarceration or the length of the parent's sentence, for example, is a choice some caregivers make, although it usually backfires and/or makes the situation worse (when children find out the truth, which they usually do).

Although the day the parent comes home can often be looked to as the day the challenging times end, this is far from the case. Reentry brings its own significant stresses, with caregivers also having to address the children's many feelings about the parent's return home, such as excitement, hope, expectations, fear, resentment, anger and more, as well as their own feelings about this. Since there is little preparation offered to families prior to reentry, there may have been no communication about each party's expectations and upon reentry, tension and misunderstandings can occur. In many cases, a parent comes home and hopes to assume or resume his role within the family, which can upset family stability. Friction between children and their parents can occur at this time, as well as between the caregiver and parent. Sometimes reentry goes smoothly with the parent reintegrating in a way that adds to the support children and caregivers experience with minimal disruption, but often this can be a very stressful time (especially with parents returning after serving long sentences).

**This only scratches the surface of the challenges faced by caregivers; for more information, please see Volumes I and II.**



**SECTION 2:  
HOW KIN BECOME  
CAREGIVERS**



## PATHWAYS TO KINSHIP CARE

Separation of children and their parents is a painful experience that has a profound impact on the wellbeing of children and families.

Children whose parents are incarcerated may enter kinship care as a result of their parent's arrest and incarceration, or they may have been in kinship care already at the time of their parent's arrest or incarceration. In some instances, they enter kinship care during a parent's incarceration when the other parent or guardian, for a variety of reasons, can no longer provide primary care for the children. Factors that lead to or contribute to children being cared for by kinship caregivers in addition to a parent's incarceration include:

- Substance abuse and/ or mental illness
- Illness
- Military deployment
- Work-related separation
- Abuse, neglect or abandonment
- Death

All of these forms of parental loss are complicated and significant—if not traumatic—for children, posing significant challenges to the caregiver(s) who steps in.

When decisions are made about children's living and care arrangements, wherever possible and appropriate, the incarcerated parent should be involved and included in these. Unless a Court has ordered otherwise, or the parent has surrendered her parental rights, incarcerated parents retain their parental rights and many were significantly involved in their children's lives and contributed to their wellbeing prior to their incarceration. The incarcerated parent can be a great asset in this decision-making process and also key to its success. The parent who is incarcerated may also have knowledge of relatives or potential caregivers, or other relevant factors that no one else has. No matter what the arrangement decided upon, it is always in children's best interest for there to be a positive, at least cordial, co-parenting relationship between the kinship caregiver who assumes responsibility for the children and the incarcerated parent.

## KEEPING TRACK OF EVERYTHING

Excerpted from OCFS (2009), *Having a Voice and a Choice*, p.6.\*

Even before a child comes to live with you, it is important to start thinking about how to keep track of documents like court papers and medical records. Choose whatever system works best for you: a large binder, a small file cabinet, or a storage box with file folders. Important documents include:

- Court orders and placement documents
- Child's birth certificate
- Parental designation form
- Medical consent form
- Medical records (appointments, prescriptions, immunizations, etc.)
- School records
- Benefit/payment records
- Insurance records
- Social Security information

Keeping track of contact names and phone numbers is also very important. It is a good idea to make a card with contact information and keep it with you at all times. This should include the child's medical provider, caseworker, relatives, babysitters, service providers, your emergency back-up for the children, and others. Finally, keep track of upcoming appointments and meetings by using a calendar (paper or electronic).

\*Reprinted with permission. Full booklet available at: [www.ocfs.state.ny.us/main/publications/Pub5080.pdf](http://www.ocfs.state.ny.us/main/publications/Pub5080.pdf).

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### WHEN PARENTS AGREE/CONSENT

When parents are in agreement with the plan determined to be in the children’s best interest and consent to it, grandparents, relatives and other kin should not face barriers to becoming caregivers. In circumstances when parents are incarcerated, they may be willing to consent to a family member caring for the child. An incarcerated parent can sign a “Parental Designation” form or inform a court of his consent to the custodial arrangement. OCFS provides a sample Designation of Person in Parental Relationship form on their website at <http://www.ocfs.state.ny.us/main/Forms/kinship/OCFS-4940%20Designation%20of%20Person%20in%20Parental%20Relationship.pdf>.

The New York State Permanent Judicial Commission on Justice for Children has created a pamphlet for parents at the time of an arrest (but useful during incarceration or another period of separation as well) explaining how to designate custody and decision-making ability for children for up to 30 days or for 6 months or less. A summary of the pamphlet which is offered in some precincts, courthouses, and jails is reprinted in **Appendix A**—and the designation forms are also offered here as **Appendix B** (30 days and less) and **Appendix C** (up to 6 months).

### WHEN PARENTS WILL NOT OR CANNOT CONSENT

If parents are unwilling to consent, the caregiver will have to petition Family Court via a guardianship or custody petition. The petitioner will have to prove an “extraordinary circumstance” at a fact-finding hearing. Extraordinary circumstances refer to situations where parents are unfit or unable to care for children. They include abuse, neglect, abandonment, mental illness, incarceration, an extended disruption of custody, and other unfortunate circumstances.<sup>7</sup> Once the court finds that extraordinary circumstances exist, then the court must hold a trial and decide custody based on the best interests of the child.<sup>8</sup>

7 An extended disruption of custody is when a child had lived with the caregiver for an extended period of time. Courts have found periods as short as six months to be long enough. Importantly, courts consistently find that an extended disruption of custody—when accompanied by evidence that the non-parent had a close relationship with the children and the parent failed to make efforts to resume her parental role—is an extraordinary circumstance. See *Matter of McDevitt v. Stimpson*, 281 A.D.2d 860, 862 (2001); *Cote v. Brown*, 299 A.D.2d 876, 2002.

8 Trials involving a parent and a non-parent caregiver happen frequently, and there is a large number of cases that supply precedents for these proceedings. Of these, the most important is *Bennett v. Jeffreys*, 40 N.Y.2d 543 (1976).

## PAUL

Paul is the custodial parent of his two children. Their mother passed away two years ago. He was arrested on an outstanding warrant from when he was 19 (he is now 26 years old) which showed up when he went to register for college. Paul's life was turned upside down, but luckily his aunt agreed to care for his children while he served about 6 months in jail. When Paul was waiting to be seen by the judge, he found a pamphlet in the court pens area that was called, *Be Sure Your Child is Cared For and Safe*. In it there was a "Parental Appointment of Your Child's Caregiver for 6 Months or Less" form. Paul signed the form and gave it to his aunt in the courtroom so that she could make medical and educational decisions about the children while he was in jail. The pamphlet also listed organizations that could support her and the children. Paul was particularly worried about his children since they were now losing their only parent, and he didn't want them to feel abandoned or alone.

## A NOTE ABOUT CHILD WELFARE AGENCIES

Throughout this handbook, we refer to situations where there has been an investigation by a child welfare agency that can lead to a child being removed from his home and, in some instances, placed in foster care. Here are some definitions that are important to know:

**Child Protective Services (CPS)** is the division within a child welfare agency that receives and investigates reports of child abuse, neglect, or maltreatment in their jurisdiction. Every county of New York State has its own CPS unit(s), which is a part of the local Department of Social Services (DSS)/local child welfare agency. In New York City, CPS is part of the Administration for Children Services (ACS). CPS also assesses children's needs and provides information to parents about the types of services available and where to find them.

**Department of Social Services (DSS)** is the social services agency in each county that provides a range of publicly funded social services and cash assistance programs to assist children and families in reaching self-sufficiency. In most counties, the child welfare agency is part of the local DSS; in New York City, DSS is also known as the Human Resources Administration (HRA), and ACS (the child welfare agency) is NOT part of HRA (it has been a separate agency in NYC since 1996).

**Administration for Children Services (ACS)** is the local child welfare agency in New York City.

**Office of Children and Family Services (OCFS)** is the state agency that provides a system of family support, juvenile justice, child care and child welfare services that promote the safety and wellbeing of children and adults. OCFS is responsible for programs and services involving foster care, adoption and adoption assistance, child protective services including operating the Statewide Central Registry for Child Abuse and Maltreatment, preventive services for children and families, services for pregnant adolescents, and protective programs for vulnerable adults.

**To avoid confusion within this handbook, we will refer to the local DSS and ACS as "the local child welfare agency" from here forward.**

Grandparents also have a special statute about extraordinary circumstances. This law states that an extended disruption of custody for twenty-four months or more is considered to be extraordinary circumstances in a custodial contest with an “absent” parent.<sup>9</sup> Parental incarceration is considered an “extraordinary circumstance” because the parent is unable to care for the child.

### **WHEN RELATIVES ARE REQUESTED TO ASSIST BY CHILD PROTECTIVE SERVICES OR BY THE POLICE—BEFORE REMOVAL**

Often grandparents and relatives are contacted by Child Protective Services (CPS) or a law enforcement official and asked to care for children. In these cases, there is no formal legal proceeding to remove the child. Such requests are legally valid. However, once the relative agrees and takes a child into his home, he may not be offered information about becoming a foster parent, or taking direct custody of a child through court ordered removal. Information and potential benefits of becoming a foster parent or direct custodian are discussed in **Section 3**.

### **WHEN RELATIVES ARE REQUESTED TO ASSIST BY CHILD PROTECTIVE SERVICES OR BY THE POLICE—AFTER REMOVAL**

Once a child is removed from a parent’s home by CPS, the Family Court Act, Article Ten, Section 1017 requires that the local child welfare agency must identify, search for and provide required notification to all relatives, including grandparents, and offer them the opportunity to become foster parents or take direct custody of the child.

In response to the federal Fostering Connections to Success and Improving Adoptions Act,<sup>10</sup> local child welfare agencies must act with “due diligence” and complete the search for relatives, including all grandparents, within thirty days. Additionally, the local child welfare agency must provide each contacted relative with two booklets as mandated by the Office of Children and Family Services (OCFS), the state agency that oversees all the local county child welfare agencies in New York:

9 In *Bennett*, the New York State Court of Appeals expanded the circumstances whereupon a trial court must decide custody based upon the best interests of children. The Court’s decision specifically added a new circumstance: “an extended disruption of custody.” Since then, numerous courts have decided such circumstances exist. See *Matter of Gray v. Chambers*, 222 A.D.2d 753 (1995).

10 See Fostering Connections to Success and Improving Adoptions Act (P.L. 1010-351, Oct. 2008).

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“OCFS requires that relatives be given a copy of *Having a Voice and a Choice: New York State Handbook for Relatives Raising Children*, if the relative is considering becoming the child’s caregiver. OCFS also developed a brochure *Know Your Options: Relatives Caring for Children*. A new publication, entitled *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)* must accompany the handbook *Having a Voice and a Choice* in situations where the handbook is required.”<sup>11</sup>

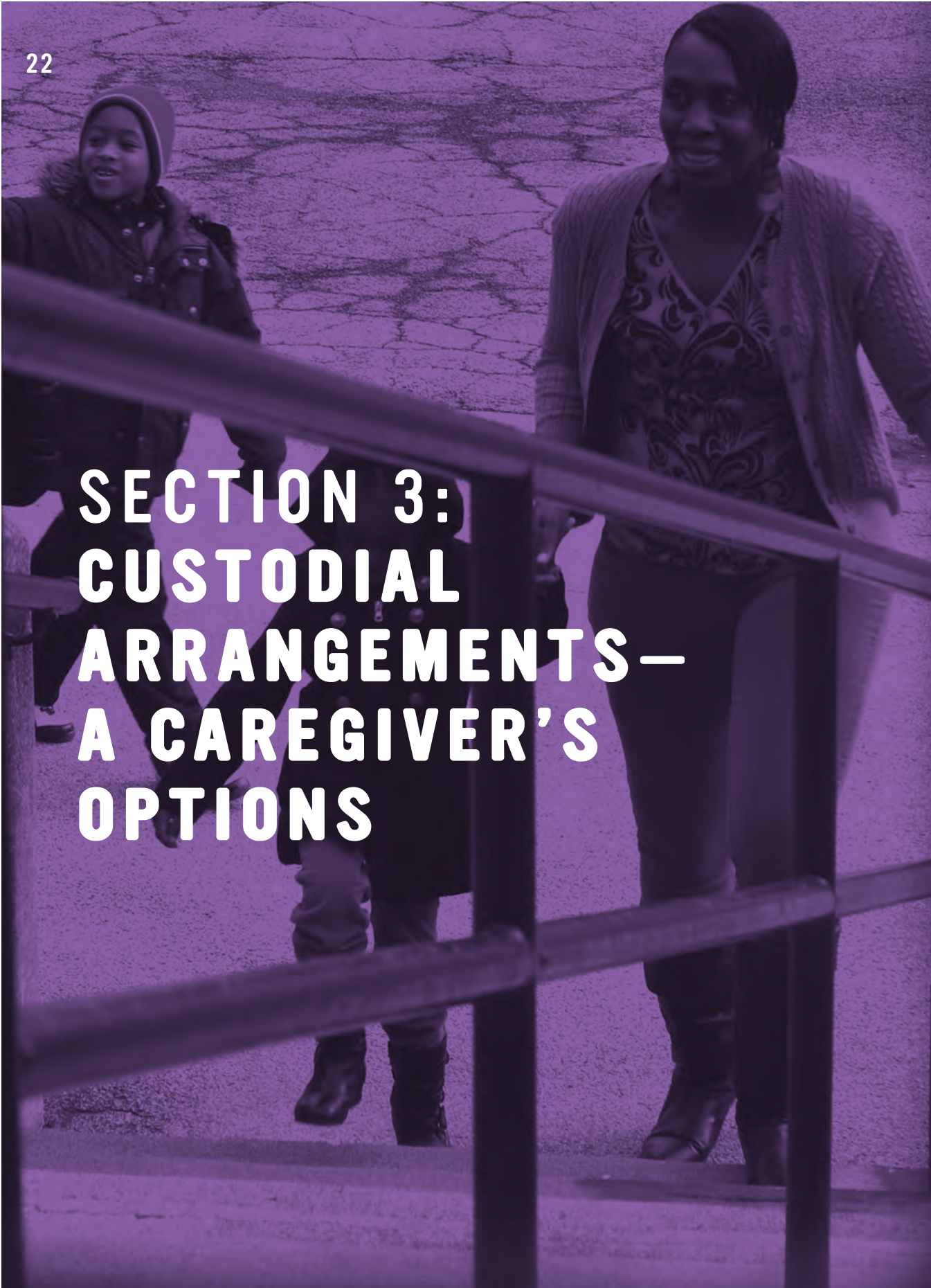
This is a very important legal requirement. Caregivers who are not given the booklets should contact the caseworker and the New York State Kinship Navigator ([www.nysnavigator.org](http://www.nysnavigator.org) or 1-877-4KinInfo/1-877-454-6463). They may still be eligible to become foster parents. Links to the above publications can be found on the OCFS website at [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us) and the Kinship Navigator website.

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If there is involvement by CPS and children must be placed outside their home, the local child welfare agency is required to search for relatives, and to give the relatives two booklets: *Having a Voice and a Choice* and *Know Your Options: Relatives Caring for Children*. A new publication, *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)*, must accompany *Having a Voice and A Choice*. These booklets explain the different options available to relatives who become primary caregivers for children.

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11 See OCFS’s Administrative Directives 09-OCFS-ADM-04 & 11-OCFS-ADM-03 for further information.



**SECTION 3:  
CUSTODIAL  
ARRANGEMENTS—  
A CAREGIVER'S  
OPTIONS**



In New York State there are several custodial options for kinship caregivers who find themselves raising children. Grandparents, relatives, and close family friends can become the lawful caregivers of children in 6 different ways (some are temporary; others are legally permanent), each of which is discussed in detail below:

1. Informal care/custody
2. Legal custody
3. Guardianship (regular or permanent)
4. Direct placement
5. Foster care
6. Adoption

## INFORMAL CARE/CUSTODY

Informal care/custody does not involve a court petition, court hearings, or court orders. It is privately arranged between parents and caregivers. Informal custody can happen when parents are not able or willing to care for their children, including when a parent is incarcerated. Informal caregivers have limited authority to make decisions for children so this arrangement is best in short-term situations. In general, most informal custodians fit the definition of a “person in parental relationship,” and as such, can consent to the child receiving immunizations and make educational decisions. If caregivers have a written designation form from the parent, they may have authority to make other medical decisions. Informal caregivers who have a written “designation” form from a parent or guardian have responsibility for immunization and school attendance.<sup>12</sup> Additionally, another law permits any grandparent, adult brother or sister, adult aunt or uncle who has assumed care to consent to immunizations (Public Health Law 2504(5)).

12 See PHL 2164, 2504, EDL 02 & 3212 for “persons in parental relationship” and General Obligations Law 5-1551 for parental designations.

## FRANK

Frank is a paternal uncle and now the primary caregiver of his 8-year-old niece. Frank's brother and his wife were arrested on drug charges and asked Frank to care for the child while they were incarcerated. Frank is informally caring for his niece; thus, he does not have court ordered custody. Frank is concerned about his niece's medical needs. She needs glasses and he does not have the authority to take her to the doctor. He also does not have medical coverage for her. Frank would need his niece's parents to complete a "Parental Designation" form which would grant Frank temporary authority/designation over the child for education and medical purposes. Frank plans to have the form filled out and notarized when he visits his brother in jail. Frank called the New York State Kinship Navigator and also found out that he can apply for a child-only (NPC) grant, which would include Medicaid for his niece. Frank will be applying for both at his local child welfare agency office in Herkimer County. He has also connected with the local OCFS program "Kin and Kids" to help expedite the application so that he can obtain glasses for his niece.

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### WRITTEN DESIGNATIONS BY PARENTS

In New York State there is state law that permits parents to designate someone other than themselves to serve as a “person in parental relation,” which means they are authorized to make similar parental decisions, including consenting to general health care decisions. Informal caregivers who have such a written designation from the parent can consent to certain medical, dental, health and hospital services, such as immunizations, teeth cleanings, and emergency care services.

No informal caregiver—even if the caregiver has been designated a “person in parental relationship” to a child—has the right to consent to major surgery or other major medical treatment. Major medical treatment in this case means surgical or diagnostic interventions or procedures where a general anesthetic is used or which involves any significant risk or any significant invasion of bodily integrity requiring an incision or producing substantial pain, discomfort, debilitation or having a significant recovery period.

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**For more information about “persons in parental relationship,” consult an attorney, or see the New York State Kinship Navigator website’s legal fact sheets.**

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Parents have a legal right to care for their children. They can consent to informal care, and they can revoke their consent at any time. Upon revocation, an informal caregiver will have no right to continue caring for the child unless she can obtain the assistance of a court or of Child Protective Services (CPS).

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### **IMPORTANT FACT ABOUT EMERGENCY AND MEDICAL CARE:**

Public Health Law 2504(4) makes sure that children can receive medical care in an emergency. There is no requirement that someone be a “custodian,” a “person in parental relationship” or have legal orders of custody or guardianship. Anyone can help a child to get care when it is an emergency.

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While the Public Health law specifies who can make medical decisions, the reality is that often medical providers accept the authority of grandparents and other relative caregivers, and do not generally inquire about court orders or parental designations. Sometimes, a statement from the caregiver or the parent, or from a social worker—which explains your relationship to the child—is enough to get medical care for a child. However, it is better to have the proper designation forms in place before you need them.

### WHAT FINANCIAL ASSISTANCE AND SERVICES DO INFORMAL CUSTODIANS QUALIFY FOR?

All informal caregivers who have assumed the care and custody of children who are living with them are eligible for financial assistance and other services. See **Section 5** and **Section 6**.

Laws regarding access to birth certificates, medical records, school records, court records, and other documents are all different (they vary depending upon location, local practice, and applicable laws). Check with the local child welfare agency, an attorney, the OCFS website and materials, or call or visit the New York State Kinship Navigator for more information.

### SCHOOL ENROLLMENT

In order to enroll a child in school, caregivers can seek one of the court ordered custodial arrangements or remain an informal caregiver and attempt to prove to the local school district that they have met the educational requirements to enroll the child in a school. Education law requires that the informal custodian has taken on the care and control of a child and the child is living with them with the intention to remain there for the foreseeable future.

Informal caregivers must talk to the local school officials and prove these two requirements via sworn statements and other documentation showing that the parents are unable or unwilling to care for their children and that the children are residing with the informal caregiver.<sup>13</sup>

Schools may demand proof of legal custody or guardianship in order to show that you have assumed the care and control of a child, even though this is not what the law states. Instead, school districts should ask for an affidavit (a sworn notarized statement) stating that you are

13 See DRL 74 and FCA 657.

## 27 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

the child's caregiver and the reason you are caring for this child. They may also ask for an affidavit from the parent attesting to the fact that you have assumed the full care and control of a child. Schools may also request documents that prove where the caregiver and child live. Suitable documentation includes a utility bill, driver's license, medical insurance card, a letter from the local child welfare agency, etc.

Also, a recent law mandates that local school districts must accept custody or guardianship orders as conclusive proof of residency and control, but this does not mean that only custody or guardianship permit enrollment. Some school districts will reject school enrollment applications. Caregivers must then ask for a fair hearing by the state education department. This process can take a long time (months, not years) and local districts can refuse to permit children to attend school during the appeal.

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**School administrators are not always aware that legal custody or guardianship of the child is not required in order for you to enroll a child in school. If you are turned away, you can return to the school with proof of residency and proof of your assumption of parenting duties. You can also call the New York State Kinship Navigator for assistance.**

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### LEGAL CUSTODY

Legal custody is a legal arrangement that must be ordered by a Family Court Judge (Article 6 of the Family Court Act outlines both custody and guardianship). This option may be chosen by an incarcerated parent and/or caregiver when it is desired that the caregiver have clear legal authority to care for the child. It is possible that a Judge places limitations or conditions upon the caregiver's authority or awards joint custody with a parent (not possible when the parent is incarcerated, however). Since this decision is made through the court, a parent who wants to resume full-time care of his children (upon reentry from prison, for example) would have to go to court before regaining custody.

## JUANITA

Juanita is a paternal aunt raising her twin nephews. Her brother has been incarcerated for the past 3 years and the twins are now 5 years old. The mother is out of state and cannot be reached. Juanita is an informal caregiver for the children. She now needs to enroll them into school. The school will not allow Juanita to enroll the children without an affidavit or sworn statement. Juanita tried to get an affidavit from her brother who is incarcerated. Unfortunately she was unable to get her brother's affidavit. However, Juanita was able to complete an affidavit she found on the New York State Kinship Navigator website. The affidavit states she is the informal caregiver and that the children reside with her full time and that she is responsible for their care. Luckily, the school accepted the affidavit and she was able to enroll the twins, although they did miss the first month of school by the time all of this was cleared up.

## 29 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

Non-parent caregivers who want legal custody must obtain the parents' consent or go to court and prove to the judge that the parents are not able to care for the child. When parents are incarcerated, it is possible to request that the court issue an "Order to Produce" so that the parent can be physically brought to court to consent. If this is not possible or desirable, a parent can also provide written, notarized consent (there are notaries in every prison and jail).

If the parents do not agree to consent, then it will be necessary for the caregiver to prove "extraordinary circumstances" that make it necessary for the court to decide what placement is in the child's best interest. "Extraordinary circumstances" is the legal term. "Extraordinary circumstances" refer to situations where parents are unfit or unable to care for children. They include abuse, neglect, abandonment, mental illness, incarceration, an extended disruption of custody, and other unfortunate circumstances. Parental incarceration and the parent's subsequent inability to provide and care for the child should be considered an extraordinary circumstance. In many cases, incarcerated parents consent to the caregiver gaining legal custody so it is not necessary to prove extraordinary circumstances.

If court proceedings do go forward, in almost all cases the parents will have the right to a lawyer and a lawyer will also be appointed to represent the child. Formerly known as "law guardians," these attorneys are now called "attorneys for the child."

Once legal custody has been granted, if parents want to regain custody (after reentry in the community) and the legal custodian does not agree, they will need to go to court and revoke (take back) their consent. The judge will not hold a trial to decide custody. The judge may order a home study or other investigations before returning custody to the parent. However, if the caregiver then claims an extraordinary circumstance, like an extended disruption of custody due to incarceration or other factors, then the judge will hold a hearing to decide if such a circumstance exists. If the judge finds extraordinary circumstances do exist, he will hold a trial to decide whose custody is in the best interests of the child.

When caregivers and parents do not agree about the living and custody arrangements that are in the children's best interests, it is very important to focus on the children and their needs, and to put adult feelings, past hurt and conflict aside. Court battles over custody of the children can be very upsetting for children. Repairing relationships among the important

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adults in children’s lives in order to reach an agreement that has their wellbeing in mind is always in children’s best interest. This said, caregivers who believe the returning parent’s desire to regain custody of her children is not in the children’s best interest should seek the advice of a legal services agency or an experienced attorney.

Petitions for legal custody can be obtained from the local Family Court or from the official website of the New York State Office of Court Administration.<sup>14</sup>

Information about education and health decisions that legal custodians can make, as well as financial assistance available is discussed below in the Guardianship section.

It is important to note that if an incarcerated parent’s rights have been terminated, petitioning for custody will usually not be granted. At this point, children need new legal parents (via adoption) or guardians (who act as parents). Therefore, if parental rights are terminated, it is better to petition for adoption or guardianship.

## GUARDIANSHIP AND PERMANENT GUARDIANSHIP

Guardianship is a legal arrangement granted to a non-parent by either the Family Court or a Surrogate’s Court.<sup>15</sup> While both Family Court and Surrogate’s Court may appoint a guardian, some counties prefer to hear petitions for guardianship of the child by family members in Family Court.

Guardianship provides legal authority similar to designation of parental authority. In New York State, there are two types of guardianship: 1) guardianship of the person, where the guardian has the legal authority to make all daily decisions concerning a child including her education, medical care, and where she will live; or 2) guardianship of the property, whereby the guardian is placed in charge of a child’s property and finances.

There is also a special form of guardianship called “permanent guardianship,” available when parents are deceased or their parental rights have been terminated. Permanent guardianship is similar to adoption in the sense that it can be forever. In both cases, a child’s name does not have

14 For a copy of the petition for legal custody form, go to <http://www.nycourts.gov/forms/familycourt/pdfs/gf-17.pdf>.

15 The Surrogate’s Court hears cases involving the affairs of decedents, including the probate of wills and the administration of estates. It also handles adoptions.



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to be changed (though with adoption is usually is). However, with permanent guardianship—unlike adoption—the guardian does not become or replace the parent. The main difference between guardianship and permanent guardianship is that the permanent guardian can consent to the child's adoption.

In practice, guardianship and legal custody are mostly the same. Below some similarities and differences are explained.

### SIMILARITIES BETWEEN GUARDIANSHIP AND LEGAL CUSTODY

- Generally speaking, judges follow the same standards of review for both guardianship of the person (child) and legal custody. To make their decision about what is best for a child, judges may choose to interview children in their court chambers. This interview—called an in-camera interview or a Lincoln hearing—may occur without the consent of parents.<sup>16</sup>
- For both guardians and legal custodians, the responsibility and rights of the parent remain. Parents are still responsible for the financial support of the child.
- If the guardianship is established through the Kinship Guardianship Assistance Program (KinGAP, see p. 43), then the guardian receives an assistance payment to care for the child and can pursue child support from the parent.
- Parents retain their rights to visit with their children (unless a court has ordered otherwise) though, while incarcerated, they are dependent on someone to bring their children to them. Kinship caregivers caring for children as guardians or legal custodians can often enhance the wellbeing of children in their care by facilitating visits and co-parenting with the incarcerated parent. See **Volume II, Section 2**, "Supporting Positive Visiting Experiences for Children."
- In both guardianship and legal custody, the parent retains the right to petition the court to regain custody of his children, as long as his parental rights have not been terminated.
- A few statutes state that guardians and legal custodians have the same authority. DRL 74 and FCA 657 state that both guardians and legal custodians can enroll children in school and can place children

<sup>16</sup> See *Lincoln v. Lincoln*, 24 N.Y.2d 270 (1969).

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on a caregiver's health insurance. The standby guardianship statute, discussed below, also includes both guardians and legal custodians.

### DIFFERENCES BETWEEN GUARDIANSHIP AND LEGAL CUSTODY

- Legal guardians have full authority to apply for government records and documents related to the child; legal custodians do not.
- Parents and guardians always have the authority to make major medical decisions, but legal custodians may not have their authority accepted by some medical providers. While usually no one questions the authority of legal custodians, it is best if the court order for legal custody expressly grants such authority.
- An order granting guardianship of the child requires a check of the Statewide Central Register of Child Abuse and Maltreatment (SCR) for all people age 18 or older living in your home. A criminal record check may be conducted by the county Probation Department, if ordered by a judge.
- Guardians can sign a voluntary placement agreement if they need or wish to place a child in foster care.<sup>17</sup>
- Custody ends when the child reaches age 18; guardianship can last until the child reaches 21 with the consent of the child.

### STANDBY GUARDIANSHIP

Standby Guardians are persons who can step in to become the guardians of children when parents, guardians, legal custodians, and caregivers become debilitated, incapacitated, or die. The Standby Guardianship statute has two very different ways to name a future guardian:<sup>18</sup>

**Option One:** If the principal (parent, guardian, legal custodian or other authorized informal caregiver) is progressively chronically ill or dying, she can go to court with the person chosen to be the future guardian and apply for a nomination of a "standby guardian." Upon the principal's incapacity or death, the nominated standby guardian becomes the active guardian, but must go to court within ninety days to apply for confirmation of the permanent appointment.

17 These last two differences are excerpted from *Having a Voice and a Choice*, p.16.

18 Surrogate's Court Procedure Act, Section 1726.

### 33 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

When the principal (parent, guardian, legal custodian or other authorized informal caregiver) goes to court to have the standby guardian nominated by the court, she does not give up her current right to make decisions for the child.

**Option Two:** The principal (parent, guardian, legal custodian or other authorized informal caregiver) can name a standby guardian by writing and signing a one page document (similar to a will) in front of two witnesses who are at least 18 years old. The document should include all of the following:

- the principal's name;
- the name, address, and telephone number of the proposed standby guardian;
- whether the authority of the standby guardian will be to make decisions for the daily needs of the child, the child's finances and property, or both; and,
- whether the authority or the power of the standby guardian should begin when the principal becomes debilitated, incapacitated, or dies.

When a principal designates a standby guardian in writing, she is recommending a person to the court to be the child's guardian in the future. Upon the principal's debilitation, incapacity, or death, the standby guardian named via writing must go to court within sixty days and apply for permanent appointment. The standby guardian designation form is available at the New York State Kinship Navigator website.<sup>19</sup>

Both options require the standby guardian to apply to court for a permanent appointment (nominees within ninety days, designees within sixty days) following the occurrence of the event that activated the guardianship, or their temporary power to act as guardian ceases. When such an application is made, the judge must find that the permanent appointment of the standby guardian is in the best interest of the child.

Parents who are incarcerated will be notified of and given standing to appear at any court proceeding to establish a standby guardian for their children. The court would have to issue an Order to Produce in order for the parent to attend such a court hearing. Incarcerated parents can also

<sup>19</sup> See <http://www.nysnavigator.org/> for a copy of the standby guardian designation form.

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designate their own standby guardians—someone who will care for the children if they become debilitated, incapacitated, or die. The standby guardian could be the caregiver who is currently caring for the children. If an incarcerated parent designates a standby guardian who is not the person currently caring for her child, then this standby guardian would need to challenge the current caregiver in a court proceeding. Note that should the incarcerated parent become debilitated, incapacitated, or die, at that time, the court will consider keeping the child with the current caregiver, as it is likely in the best interest of the child.

The remaining three caregiving options discussed all occur **after there has been a removal** by Child Protective Services (CPS).

### DIRECT PLACEMENT

Direct placement may occur after there has been a Child Protective Services (CPS) removal and there is a child abuse and neglect proceeding in Family Court. The local child welfare agency has legal custody upon removal until there is a court hearing during which a decision is made by the judge from among several options. These options include:

- awarding care and custody to the local commissioner who may place the child in a foster boarding home or other foster care facility. If placement is in a foster boarding home, the preferred option, where feasible, is to place child with a relative foster parent. The relative must be certified or approved to care for the child as a foster child (see p. 35); or
- placing the child in the direct temporary custody (often referred to as **direct placement**) of a relative or other suitable person, with supervision by the child welfare agency.

The child's parents may consent to transferring custody to the caregiver or, if they oppose this, they can go to court to try and prevent the transfer of custody. Generally, the court will order the local child welfare agency to supervise the child's placement with the caregiver. The court may also issue orders specific to visiting between the child and parent, specifying the frequency or limiting contact depending on the circumstances. In most cases, the court supports visiting between the parent and child to maintain their bond until the child can return to the parent or until another permanency arrangement is decided upon.<sup>20</sup>

20 For more information about direct placements, see pp. 11-13 in OCFS' *Having a Voice and A Choice* booklet.

## 35 CUSTODIAL ARRANGEMENTS—A CAREGIVER’S OPTIONS

If the child is placed in the direct custody of a relative or other suitable person, the agency—as part of its supervisory responsibility—continues efforts to assist the parent. The efforts include service planning for the child’s return to the parent or another permanency option when return to parent is not possible, and may include arranging or coordinating visiting. In direct placements, the agency continues the Article Ten (abuse or neglect) proceeding and there are regularly scheduled permanency hearings in Family Court (the first one occurring 8 months after the child was removed from her home, and every six months thereafter). The agency must gather input from all the parties (parents, children, relative caregivers, etc.) and prepare a permanency hearing report for the court in advance of each permanency hearing.<sup>21</sup>

With direct placements, caregivers have the legal authority to care for the child temporarily under the protection of a court order. As mentioned above, in these arrangements caregivers are subject to the local child welfare agency’s supervision and oversight.

### FINANCIAL ASSISTANCE

Unlike foster care placement, caregivers in direct placements do not receive foster care payments.

Caregivers caring for children under direct placement may apply for Temporary Assistance (TA) for a Child Only Grant for the child’s financial support. As explained in *Having a Voice and a Choice*, the application for this grant is based on the child’s needs, and does not consider the caregiver’s income in determining eligibility for the grant. At the same time, caregivers may apply for Medicaid to cover the costs of the child’s health care. Caregivers may also be eligible to receive food stamps for the child and Supplemental Security Disability Income (SSDI) if the child is disabled. Caregivers who work may apply for help with child care costs.<sup>22</sup>

Financial assistance received through a Child Only Grant is less than the foster care room and board rate, and the difference becomes greater for caregivers caring for more than one child. For caregivers interested in becoming foster parents, see the next section on **Foster Care**.

21 Direct custody placement are pursuant to FCA 1017(2) (ii) and are sometimes referred to as “N” docket or “1017” placements.

22 This paragraph is adapted from OCFS’s 2009 handbook, *Having a Voice and a Choice*, p.12.

## FOSTER CARE

Children in foster care who have an incarcerated parent may have entered the child welfare system before their parent's arrest, at the time of arrest, or after their parent was incarcerated. In this last case, their incarcerated parent would be a "non-respondent" as the allegations of abuse or neglect would be against their current caregiver. When children enter foster care at the time of arrest, this may be because the crime or its consequences were child-related and led to both a criminal and Family Court case. It can also be because the parent had no appropriate or available caregiver to designate at the time of arrest. In the latter case, the parent is sometimes charged with "failure to plan" which is considered a form of neglect.

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**If a relative or family friend finds out that a child she is related to or knows well has entered foster care, she should contact the local child welfare agency immediately to discuss caring for the child, visiting with the child, or participating in planning meetings about the child's needs and future.**

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Children who are removed from their homes are placed in a foster family home, a group home, a childcare institution, or with relatives. State regulation allows children to be placed with relatives as "emergency placements," while the local child welfare agency certifies or approves the home as a foster home placement. If the expedited process is used, the home is approved for a 90-day period during which all the other requirements must be met (although the emergency period can be extended under limited circumstances to complete background checks). If a child welfare official asks a relative to take care of a child, the relative must be provided the previously mentioned two booklets that explain various placement and custody options.

Relatives should ask to speak to a local child welfare agency supervisor, their local OCFS Regional office, and/or call the New York State Kinship Navigator as soon as possible if their request to become foster parents has been met with resistance or denied.

## 37 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

When children come into foster care, they are placed in the legal custody of the local child welfare agency after a court has decided that their parents cannot care for them. This proceeding is governed by Article Ten and Ten-A of the Family Court Act. Once a removal occurs, OCFS requires that relatives, including all grandparents, be notified of their options by being located and given two booklets, *Having a Voice and a Choice* and *Know Your Options: the Kinship Guardianship Assistance Program*, which caregivers are required to receive to assist them in their choices at this point.<sup>23</sup>

### KINSHIP FOSTER CARE

New York State law requires local child welfare agencies to look for relatives to become foster parents (or care for children outside of foster care). Upon finding a suitable relative, the local child welfare agency and the Family Court judge should inquire whether the relative wishes to become a foster parent, to take direct custody with the continuing involvement of the local child welfare agency (“direct placement”), or to become an independent legal guardian or custodian.

Kinship foster care is foster care granted to a grandparent, other relative, or non-parent caregiver who knows the child (such as a family friend) until the parent and child are reunited or until a permanent home is found for the child. This can be through adoption or guardianship by the kinship foster parent. A kinship foster parent has temporary physical custody of the child, not legal custody; legal custody of that child remains with the local child welfare agency. The kinship foster care parent takes care of the child’s daily needs, but cannot make any legal or major decisions regarding the child without first obtaining the consent of the local child welfare agency.

In order to become kinship foster parents, caregivers must be certified or approved (depending on the degree of relationship to the child) after completing foster parent training, submitting to a background check, and meeting other licensing requirements, just like other “stranger” foster parents.

With kinship foster care, payments are paid and other forms of assistance and services are available. These payments are more than the child-only grant available through public assistance. With foster care, services received may include family services, payment of special

23 This requirement was implemented through two Administrative Directives (generally accepted as having the force of regulations): 09 OCFS ADM-4 and OCFS KinGAP 11 ADM-03.

## JULIE

Julie is the paternal grandmother of a 4-year-old boy. Her son and daughter-in-law have recently been arrested and incarcerated. Child Protective Services (CPS) was called in to investigate allegations of child endangerment and inadequate supervision. Julie was informed by CPS that the child needed to be removed, but she was not given the option to be a foster parent. She is caring for the child through a direct placement, and has been encouraged to become the legal custodian, but is unsure of her options. Julie resides in Rockland County, but the child protective case is in Westchester County. Julie contacted the Kinship Navigator who put her in touch with the local kinship program in Westchester County. They contacted her caseworker and Julie was given the two required booklets to inform her of her caregiving options. She is now requesting to become a kinship foster parent and is hoping to start her certification process soon. In addition to the financial assistance, Julie wanted assistance in bringing her 4-year-old grandson to visit with both his parents who may be going upstate for a few years.



### 39 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

expenses, assistance with visiting incarcerated parents (includes coordinating, escorting children, and covering the costs of visits), therapy for the children (if needed), and educational assistance for the children. A list of services is available on the OCFS website.

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**For kinship foster parents, the local child welfare agency can waive certain requirements such as size of the living space and may also be able to place children in the homes (as “emergency placements”) at the same time as the kinship foster parents are getting approved and certified as foster parents. “Stranger” foster parents cannot have children placed in their home until after they are certified.**

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Kinship foster parents must fulfill all the same requirements as other foster parents (e.g., attend service plan reviews, have frequent contact with caseworkers, including home visits, and more). All adult members of the household must have criminal background checks and SCR database checks. Many relatives choose not to become kinship foster parents, nor to become temporary custodians, because they prefer to take care of the child without the local child welfare agency’s supervision and involvement in their home and life. These relatives can petition for legal custody or guardianship (under Article 6, see pp. 26-34). Courts may want to wait for efforts at reunification to be exhausted before granting custody or guardianship; however, if the parent is serving a prison sentence (more than one year) the court may be more likely to grant legal custody or guardianship.

## PERMANENCY AND REUNIFICATION WITH PARENTS

The goal while the child is in foster care is to achieve permanency for the child, preferably by reuniting the parent(s) and the child. When a parent is incarcerated this can take more time depending on the sentence and may not be possible if the sentence is long. Although a New York State law (passed in June 2010 and known as Chapter 113) allows incarcerated parents (and parents in residential drug treatment programs) who meet certain criteria more time to reunify with their children—recognizing that they cannot fully plan for their children’s future from behind bars—children still need permanency outside of foster care, either with their own parents or other committed caregivers. When children are in the care of kinship foster parents and parents’ sentences are lengthy, the Kinship Guardianship Assistance Program (KinGAP, see p. 43) may be a good option.

If reunification with parents is not possible, the local child welfare agency is required to file a petition to terminate parents’ rights unless certain exceptions exist. Termination of parental rights (TPR) is the legal severing of the parent-child relationship; it is usually permanent although there is now a mechanism in specific cases for parent’s to petition for their parental rights to be restored (see p. 42).

One such exception to an agency filing for TPR is if the child is living with relatives: in this case, they do not have to file to terminate the parents’ rights.

At age 10 and older, children’s wishes are generally considered, but at age 14 or older a child’s consent to the adoption is required.<sup>24</sup> Often relatives caring for children may prefer not to terminate the parent’s rights. The parent may be their own daughter or son, or sister, and prefer to maintain family ties. Adopting your own grandchild or niece/nephew creates complicated relationships whereby grandma becomes mommy, and many families feel uncomfortable with this. However, an incentive to adopt is the financial assistance that comes in the form of an adoption subsidy.

Thankfully, there is now an option for a permanent arrangement that does not require the parent’s rights to be terminated and does allow the kinship foster parent to continue to receive financial assistance that is equivalent to the adoption subsidy. Made available in April 2011, this is called KinGAP. This is only for kinship foster parents after reunification and adoption have been ruled out as options. More details on KinGAP are found on p. 43.

24 Social Services law 372(f)4(a).

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### WHEN CHILDREN ARE IN FOSTER CARE PRIOR TO ARREST

Sometimes parents are arrested or incarcerated after their children are in foster care. In fact, this happens more often than a child entering foster care at the time of or due to a parent’s arrest.<sup>25</sup> If relatives seek to become the primary caregivers of a child already in foster care, the local child welfare agency may choose to continue placement with the current foster family. Factors such as how long the children have been with the foster family and the children’s ages and attachment needs may all influence the decision at this point to place the children with relatives.<sup>26</sup>

Relatives may petition for custody or guardianship or use Family Court Act (FCA) 1028-a to seek to become a foster parent. FCA 1028-a permits relatives to petition to become foster parents of children who are not in their care. There are many specific conditions that must be satisfied in order to have the petition heard, including:

- the relative has not refused previously to be considered as a foster parent or custodian of the child. A prior inability to provide immediate care for the child due to a lack of resources or inadequate housing, educational, or other arrangements necessary to care appropriately for the child is not considered a previous refusal;
- the application is brought within six months from the date the relative received notice that the child was being removed or had been removed from his or her home (and no later than twelve months from the date that the child was removed).

If a relative wants to become the foster parent of a child and meets these requirements, she can use FCA 1028(a) to file a petition.

### MAINTAINING PARENTAL RIGHTS AS AN INCARCERATED PARENT

In June 2010, New York State passed a law—an amendment to the federal Adoption and Safe Families Act (ASFA)—that is also known as Chapter 113. This law assists parents in maintaining their parental rights while they are incarcerated.<sup>27</sup> Chapter 113 specifies that the local child welfare agency is not required to file for termination of parental rights when children are in foster care for 15 of the most recent 22 months,

25 See Ross, T., Khashu, A., & Walmsley, M. (2004). *Hard data on hard times: An empirical analysis of maternal incarceration, foster care, and visitation*. New York, NY: Vera Institute of Justice.

26 Although foster parents have no fundamental right to care for children, Social Services Law 383(3) permits foster parents who have been in continuous care of a child for twelve months to intervene in “any custody proceeding.”

27 Social Services Law 384-b (3)(l)(i). See also 11-OCFS-ADM-7.

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if on a case-by-case basis it determines that an incarcerated parent has played a “meaningful role” in the child’s life, continues to have a “meaningful relationship” with the child, and there is no documented reason why termination would be in the child’s best interest at this time. A parent must also be actively planning for her child to the best of her ability throughout her incarceration.

As mentioned earlier (p. 40), for caregivers caring for children as kinship foster parents, ASFA always had a kinship placement exception to filing to terminate parental rights at the 15 out of 22 months mark: foster care agencies are not required to file to terminate a parent’s rights if the children are in the care of kin, however, they may still decide to do so depending on the circumstances of the case. However, Chapter 113 draws particular attention to the barriers that incarcerated parents face in planning for their children and also counters the bias that some people (including some caseworkers and supervisors) have against parents who are incarcerated. The law assists incarcerated parents in reunifying with their children, as appropriate and in children’s best interests.

### **REGAINING PARENTAL RIGHTS—AFTER TERMINATION**

In situations where a parent’s rights have been terminated and children in foster care have not yet been adopted, parents may petition for restoration of their parental rights. A law passed in November 2010 can assist parents to regain parental rights if they meet certain conditions including:<sup>28</sup>

- the child is 14 years of age or older;
- at least 2 years have elapsed since the termination of parental rights;
- the original adjudication terminating parental rights was not based upon severe or repeated child abuse; and
- the child is under the jurisdiction of the Family Court, has not been adopted, and has a permanency goal other than adoption.

28 Passed into law on August 13, 2010, this Act established Chapter 343, “An Act to amend the Family Court Act and the Social Services Law, in relation to restoration of parental rights.” Effective November 11, 2010.

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### ADOPTION

Adoption legally replaces the birth parents with adoptive parents who assume the full rights and responsibilities of the birth parents. Adoption requires that the parents' rights are first terminated, although parents can also "surrender" their parental rights. If a parent voluntarily surrenders parental rights, he can designate who will adopt his children and/or specify certain conditions regarding contact post-adoption (such as visits or annual photographs). This is referred to as a "conditional surrender." Such conditions or agreements are legally enforceable, but an adoptive parent's failure to follow the agreement is not grounds to undo the adoption.<sup>29</sup> Parents whose rights are involuntarily terminated do not have a say in adoption details or post-adoption contact.

Caregivers who adopt a child assume legal and financial responsibility for the child's care, education and support. This means that the caregiver and family cannot receive a "child-only" public assistance grant based solely on the child's income and resources (described on p. 52). They may however, be eligible for the adoption subsidy (see below).

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**It is important to note that adoption changes the legal status of the biological parent and the caregiver who becomes the adoptive parent, but it does not erase memories or relationships, or core attachment needs. Many children want to continue to have some form of contact with their biological parents even after they are adopted.**

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The movement in the United States towards open adoptions reflects children's desires to have a relationship with both their biological parents and their adoptive parents. Co-parenting models (often put into place when parents get divorced) can greatly benefit children who may otherwise experience torn loyalties.

29 DRL 112-b; SSL 384.

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### ADOPTION SUBSIDIES PROGRAM

Foster parents may receive an adoption subsidy that is similar to their foster care payments (after the parents' rights have been terminated and the adoption has been finalized). Adoption subsidies are available for foster-adopted children who are "handicapped" or "hard to place."<sup>30</sup> Most foster children are considered hard to place. To be able to receive an adoption subsidy, a foster parent must enter into an adoption subsidy agreement with the local child welfare agency before the child is adopted. If relatives or others want to adopt, but do not want to be certified as foster parents, it may be possible for their home to be approved as an adoptive home and in this case, there can be pre-finalization adoption subsidies which can be paid.<sup>31</sup> There are also some children in the custody of an approved adoption agency who are eligible for subsidies. Another special feature to the adoption of kinship foster children is the opportunity for the birth parents to make an enforceable agreement indicating who may adopt the child or what contact the surrendering parent may have with the child. In New York State, adoption is sought at the Family Court in the jurisdiction where the child resides or in the county Surrogate's Court.

### KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM (KINGAP)

In 2011, the Kinship Guardianship Assistance Program (KinGAP) became available for qualifying fully certified or approved kinship foster parents who have cared for the children placed with them as foster children for at least 6 months or more. KinGAP is designed to support permanent placements for foster children with relatives to whom they are related by either blood, marriage or adoption. This program provides financial support similar to the foster care maintenance payments received as a foster parent, but does so outside of the child welfare system.

OCFS offers a detailed booklet that walks caregivers (and interested others) through all the details of the program. See *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)* available at <http://www.ocfs.state.ny.us/main/publications/pub5108.pdf>. This booklet includes a chart which compares kinship guardianship assistance, adoption assistance, and foster care to assist caregivers and incarcerated parents in figuring out which option is best. The following information on eligibility for KinGAP is adapted (with permission) from page 4 of the above booklet.

<sup>30</sup> Social Services Law (SSL) 453.

<sup>31</sup> See 10-OCFS-ADM-11.

## 45 CUSTODIAL ARRANGEMENTS—A CAREGIVER'S OPTIONS

### ELIGIBILITY FOR KINGAP

The local child welfare agency will determine eligibility for KinGAP based on the specific details of an individual case, but general guidelines and minimal requirements for eligibility include the following:

- The child is under 21 years old and is in foster care;
- The caregiver is related to the child by blood, marriage, or adoption;
- The child has lived with the caregiver as a foster child for at least 6 consecutive months during which the caregiver has been a fully certified or approved foster parent;
- The child demonstrates a strong attachment to the caregiver;
- The caregiver demonstrates a strong commitment to caring permanently for the child;
- Neither a return to parent(s) nor adoption is an appropriate plan for the child; the local child welfare agency has determined that there are compelling reasons (such as long-term incarceration) that neither reunification nor adoption is in the child's best interests;
- The local child welfare agency has determined that it is in the best interests of the child for the caregiver to be his guardian;
- If the child is age 14 or older, the child must be consulted. At age 18 or older, the youth must consent to the kinship guardianship arrangement;
- The initial permanency hearing must have already taken place in Family Court;
- A fact-finding hearing must have been completed if the child was removed from the home due to abuse or neglect;
- Necessary criminal history record checks and child abuse/maltreatment database checks have been completed on the caregiver and other adults age 18 and over who live in the caregiver's home.

Caregivers may be entitled to kinship guardianship assistance payments for sibling groups, but each sibling must meet the above eligibility requirements on his or her own. State policy encourages siblings to be placed together in kinship guardianship arrangements whenever possible.

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Once caregivers apply—and if their application for KinGAP is approved—then the local child welfare agency and the caregiver must enter into a “KinGAP agreement” before initiating the guardianship proceeding. Kinship foster parents are also eligible to receive up to \$2,000 in non-recurring expenses to obtain legal guardianship. Assistance may continue until the child is 18, or until age 21 if the child is age 16 or older when the guardianship went into effect and the child remains in school or is employed or in an employment program (unless incapable of doing so). Assistance ends when the relative guardian is no longer legally responsible, or is no longer providing support for the children.

It is important to note that childcare assistance as well as some additional services previously accessible through foster care may not be available to relative guardians under KinGAP. Relatives should ask their caseworker about which services will not be continued if they become guardians under KinGAP.

Information and forms for application and appeal (known as a “fair hearing”) as well as for all other steps in the process are available at the OCFS KinGAP website which also provides a booklet entitled, *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)*.<sup>32</sup> Court forms for the guardianship proceeding are available at the New York State Unified Court System website.<sup>33</sup> Caregivers with questions can also call the New York State Kinship Navigator.

The remaining sections detail aspects of caregiving that are concerns regardless of which custody arrangement a caregiver has: questions about visiting and parenting with the incarcerated parent, about the children’s health, education and overall support for raising healthy children.

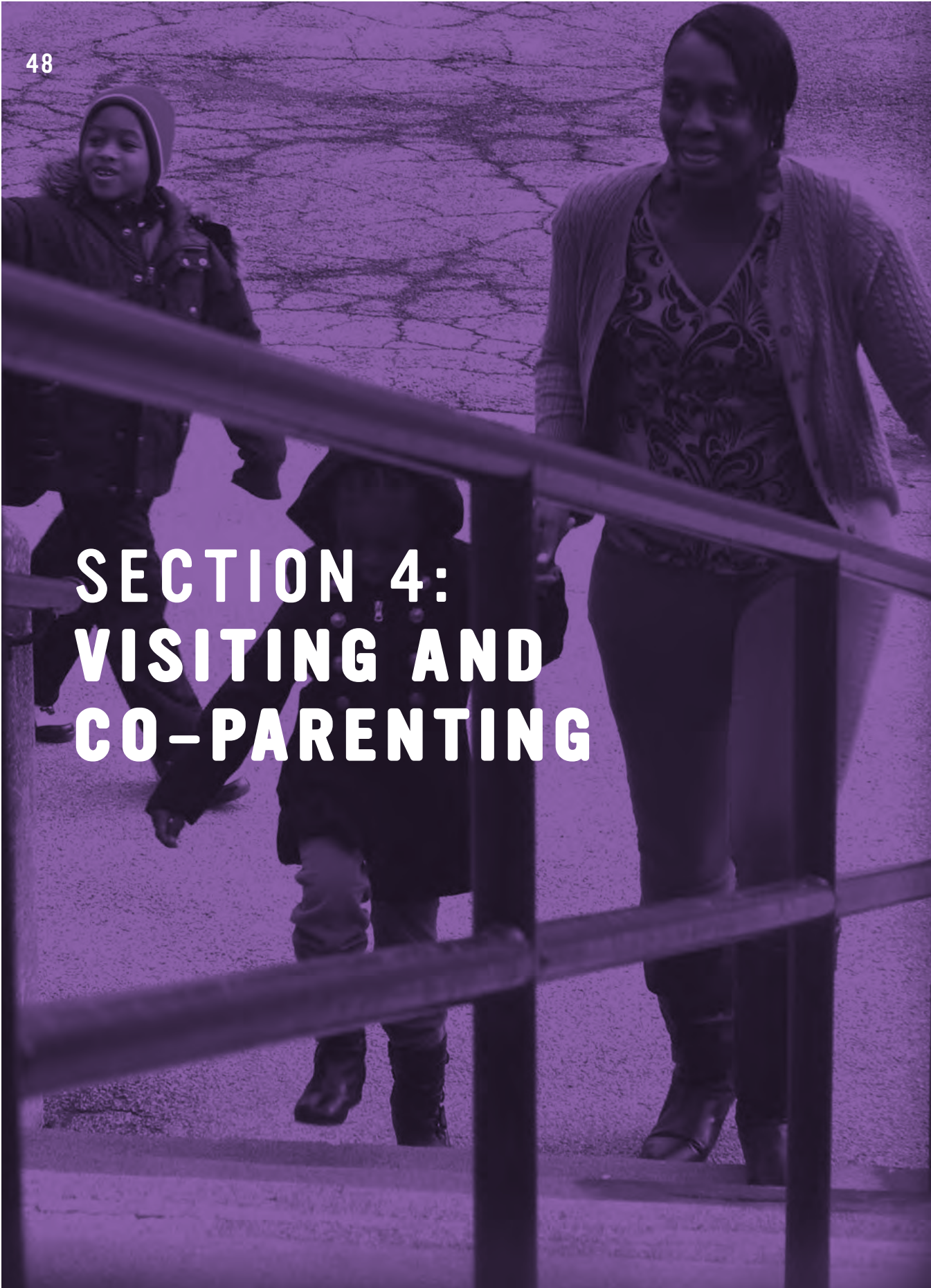
32 Visit <http://www.ocfs.state.ny.us/main/publications/pub5108.pdf> for a copy of the OCFS KinGAP booklet and see “Supporting Docs and Policies” at [http://www.ocfs.state.ny.us/kinship/background\\_and\\_process.asp](http://www.ocfs.state.ny.us/kinship/background_and_process.asp).

33 Copies of court forms are available at <http://www.courts.state.ny.us/forms/familycourt/guardianship.shtml>.



## **SASHA**

Sasha is caring for her 5-year-old granddaughter, who has been in her care for at least a year. Her daughter has been incarcerated for the past 9 months, and has had Child Protective Services involved since the birth of her child. Nine months ago, Child Protective Services asked Sasha to care for her grandchild; she then took the steps to become an approved foster parent. Sasha is currently receiving a foster care stipend, but since her daughter will be incarcerated for the next 20 years, she would like a more permanent solution. Sasha has spoken with her caseworker about KinGAP, which would allow her to become the legal guardian for her grandchild and still continue to receive financial assistance equivalent to the adoption subsidy. Sasha is working with her caseworker and the local child welfare agency in order to become a kinship guardian.



**SECTION 4:  
VISITING AND  
CO-PARENTING**

While finances and decision-making about the children are certainly a large part of kinship caregivers' concerns, another aspect of caring for children whose parent is incarcerated is the degree and level of contact with the incarcerated parent. There are the children's emotional issues to consider, as well as the caregiver's own relationship with and feelings about the incarcerated parent. There are financial considerations, specifically related to the relationship between the child and the incarcerated parent, since both phone calls and visits are expensive.

**Volume II** of the series discusses visits, including not only the details of how to visit, but the details of why and whether to visit. Caregivers may not want to visit the incarcerated parent themselves or even speak with her on the phone, but may realize that the children in their care love and need their incarcerated parent. In this case, exploring who else can escort the children for visits, making sure not to speak badly about the parent in front of the children, and trying hard to support this relationship for the children's sake by co-parenting or communicating about the children with the parent are all very important. Seeking support as a caregiver for any or all of this is very important, as this may not be easy and it can feel lonely to struggle with this alone.

## GRANDPARENT VISITATION

If the kinship caregivers who assume responsibility and care of the children are not the grandparents, there are special statutes governing grandparents' rights to see their children; this includes when children are in kinship foster care. Non-grandparent caregivers should also keep in mind that grandparents may be a resource for facilitating visits to the incarcerated parent, and providing additional emotional support. If there is conflict or resistance from the current caregivers in allowing grandparents to visit with their grandchildren being cared for by other kinship caregivers (including kinship foster parents), grandparents can go to court and seek visitation rights.<sup>34</sup>

34 Sections of the law pertaining to Grandparent Visitation: DRL 72 (visitation with parents); FCA 651(b), 1081 & 1083 (visitation for children in foster care). See also: *E.S. vs. P.D.*, 8 N.Y.3d 150 (2007), also, *Matter of Loretta D. v. Commissioner of Social Services of City of New York*, 177 A.D.2d 573, 574-5 (2nd Dept. 1991).

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In New York State, Domestic Relations Law Section 72—originally enacted in 1966—permits grandparents to seek visitation when one or both of the parents has died or when “equity would see fit to intervene.” Courts have interpreted “equity” to give standing to grandparents who have had a relationship with their grandchildren or been thwarted by the parents from having such a relationship. Grandparents may seek visitation via DRL § 72 even when both parents are united in opposition.

When a parent is incarcerated, grandparents who are not caring for the children may need to invoke these statutes if the current guardian of the children (including the foster care agency and the local child welfare agency) is not allowing them to see their grandchildren.

### CHILDREN IN FOSTER CARE

For children who are in kinship foster care and foster care in general, the foster care agency and assigned caseworker have an obligation to locate an incarcerated parent and arrange visits, when in the child’s best interests. Local child welfare agencies must diligently support and encourage a meaningful relationship between a child and a parent (even if the parent is incarcerated), and must initially work towards reunification in all cases except where a court has ordered otherwise. This is referred to as providing reasonable or diligent efforts. “Diligent efforts” means:

“Making suitable arrangements with a correctional facility and other appropriate persons for an incarcerated parent to visit the child within the correctional facility, if such visiting is in the best interests of the child.... Such arrangements shall include, but shall not be limited to, the transportation of the child to the correctional facility, and providing or suggesting social or rehabilitative services to resolve or correct the problems other than incarceration itself which impair the incarcerated parent’s ability to maintain contact with the child.”<sup>35</sup>

Foster care agencies and correctional facilities must cooperate to arrange visits between children in foster care and their incarcerated parents. One advantage of foster care for caregivers is that the foster care agency must not only arrange, but must cover the costs of the visiting trip. Given that many incarcerated mothers have children living with kinship caregivers and are incarcerated in one of five upstate prisons, the

35 Social Services Law 384-b(7)(f)(5). See also Corrections Law 619.

## JOSEPH AND KAREN

Due to their own health issues, Joseph and Karen could not agree to take full custody of their three grandchildren when their mother was incarcerated. This decision was a painful one for them as they loved their grandchildren and saw them frequently. Unfortunately, CPS removed the children from the family friend who was caring for them due to allegations of abuse, and the children were placed in foster care. Now, six months later, Joseph and Karen have not been allowed to see their grandchildren and are very unhappy about it. Prior to this, they saw their grandchildren several times a week. They call the foster care agency every day but get no answers; they are often told one thing, then another, and don't know what to trust. Joseph and Karen are very worried, upset, and miss their grandchildren. They have not been given the foster parent's phone number, so can't even talk with the children on the phone to reassure them. Seeing no other way, they have filed in Family Court for visitation rights and are hoping this will be effective.

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assistance of the foster care agency in arranging visits is an important consideration in deciding whether to become a kinship foster parent (SSL 384-b; Corrections Law 619).

The Department of Corrections and Community Supervision's website offers a guide, *Handbook for the Families and Friends of NYS DOCCS Inmates*, that contains information about visiting.<sup>36</sup> Additionally, each correctional facility, county jails, and other secure facilities have their own rules about visiting. If visiting a state prison, if the caregiver is on the incarcerated parent's "approved visitor" list and bringing the children of this parent, only birth certificates of the children and photo ID for the caregiver will be needed. Jails and prisons will have different requirements, so it is very important to call in advance to find out what documentation is required. When calling, be sure to also ask about:

- dress code requirements;
- allowable items (particularly if visiting with infants or toddlers);
- length of visits; and
- visit area conditions for children (children's area? toys? games?).

When bringing children to see their incarcerated parents it is very important to talk to them about the visit beforehand and to let them know what to expect prior to the visit. Support for children after visits is also important, and caregivers should expect that children will have some response stemming from the emotional pain of the situation. This is particularly true for the first visits, but also in situations where children are young and attached to the missing parent, where children have a close relationship with the parent, or where the parent was the primary caregiver prior to incarceration. In all of these cases, the pain of saying goodbye can be great.

All of this and more is discussed in **Volume II**, and **we strongly recommend that caregivers read Volume II before bringing children to visit their incarcerated parents, or before making any decision that visits are not in the children's best interests.**

36 Published in 2007. For a copy visit: <http://www.doccs.ny.gov/FamilyGuide/FamilyHandbook.html>.

# SECTION 5: FINANCIAL ASSISTANCE

The majority of kinship caregivers need financial assistance. The previous sections have included some information about the financial assistance available under different caregiving arrangements. This section provides some additional information about benefits and assistance, including tax credits and other sources of support.

There are a number of government programs that provide financial assistance for low income and/or financially “needy” children. These include:

## **FAMILY ASSISTANCE: TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

Family Assistance (TANF) is cash public assistance, available from the local child welfare agency. It assists “needy children and their families” to help pay for basic needs. Eligibility is based on the number of people in the family unit, family income and assets. All Family Assistance recipients are automatically eligible for Medicaid.

Two types of grants are available:

### **1. Family Assistance**

Caregivers can apply for themselves and for the children in their care as a family unit. In this case, all income and assets will be counted in determining eligibility. If the adult caregivers want assistance based on their income and resources, then they are required to participate in work activities, job training or community work experience—unless they are disabled or elderly (over sixty)—in order to receive assistance. It is important to know that the New York State Welfare Reform Act of 1997 imposes a cumulative five-year time limit on Family Assistance.

### **2. Child-Only Grant**

The Child-Only Grant, also referred to as the “Non-Parent Caregiver Grant,” does not look at the income and resources of the relative caregivers. This grant is based *only* on the income and resources of the children, because the non-parent caregivers do not have the legal obligation to provide for the children. Caregivers should be aware that their own income does not count



## 55 FINANCIAL ASSISTANCE

in determining eligibility (as it does if they are applying for Family Assistance for themselves and the child, or if they have adopted). To apply, caregivers should fill out the applications from the perspective of the child, not the caregiver. For instance, if the question on the application is, "Do you have a bank account?," the answer would be "no" if the child does not have his own bank account.

Grandparents and other relative caregivers who seek a non-parent grant will be asked to inform the Human Resource Administration (HRA) if in New York City, or the Temporary Assistance office if elsewhere in New York State of their income and resources. HRA does not use this information to decide eligibility for the non-parent grant, but HRA is required by federal law to record the adult relative caregiver's income and resources.

It is a good idea to write "Non-Parent Grant" on the top of the first page of the application. For more information, see the "How to Apply for Public Assistance"<sup>37</sup> and also the "Kinship Navigator Guide to the Child-Only Grant and Other Benefits for Non-Parent Caregivers,"<sup>38</sup> both available on the New York State Kinship Navigator website.<sup>39</sup>

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**Sometimes kinship caregivers are told that they must have legal custody or guardianship in order to apply for a non-parent grant. **This is not the law.** Regardless of whether the caregiver has custody or guardianship or the arrangement is informal, caregivers have a right to submit an application.**

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If an application for the non-parent grant is denied, do not give up. Contact a legal assistance program or the New York State Kinship Navigator, which can help you in asking for an appeal, which consists of

37 <http://www.nysnavigator.org/legal/documents/Publicassistanceguide2.pdf>.

38 [http://www.nysnavigator.org/documents/NYS\\_Kinship\\_Navigator\\_PA\\_Guide\\_2012-Final1.pdf](http://www.nysnavigator.org/documents/NYS_Kinship_Navigator_PA_Guide_2012-Final1.pdf).

39 Also more information on how to apply and complete HRA applications can be found at the HRA Department of Social Services website at <http://www.nyc.gov/html/hra/html/applications/forms.shtml>. For outside NYC, information can be found on the Office of Temporary and Disability Assistance (OTDA) website: <http://otda.ny.gov/programs/temporary-assistance/>.

## MARY

Mary is caring for her 15-year-old grandson, who has been in her care for 6 months. Her daughter has substance abuse problems, and as a result, finds herself in jail for periods of time. As a result, Child Protection Services has asked Mary to take temporary custody of her grandson. Mary has not cared for a child in over 20 years and is a little lost as to how to cope, especially with a teenager. Mary qualifies for the Non-Parent Child-Only (NPC) grant which can assist her financially. Luckily, the Kinship Navigator told her about Orange County's Relatives as Parents Program (RAPP) for support. Additionally, Mary has been attending the New York City's Department for Aging Grandparent Resource Center's "Parenting a Second Time Around" (PASTA), workshop in order to get a refresher course on parenting a teen—dealing with peer pressure, drug and alcohol temptation, and school issues.

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a “fair hearing.” Caregivers can fax their request for a fair hearing to the state office indicated in the denial letter. Upon appeal, a high percentage of denials are found to be without merit (i.e., they are overturned). It is a legal right for anyone to apply for public assistance and to appeal (by asking for a fair hearing) a denial of assistance.

### FOOD STAMPS: SUPPLEMENTAL NUTRITION ALLOWANCE PROGRAM (SNAP)

The Supplemental Nutrition Allowance Program (SNAP), is the program formerly known as food stamps. SNAP benefits can be used to purchase food items and are redeemed by using a Common Benefit card. Food can be purchased at grocery stores, convenience stores, and some farmers’ markets and co-op food programs. SNAP eligibility is based on the income of everyone in the household. For instance, if a grandchild is income-eligible for Family Assistance through a non-parent grant, but the grandparent does not qualify, it is unlikely that the family unit would be eligible for SNAP. If the relative is the KinGAP guardian or relative foster parent then the child may or may not be included in the SNAP household for determining eligibility (see the chart attached to the OCFS KinGAP booklet referred to here on page 43) for more information. However, under certain circumstances, for persons who have disabilities and must cook separate meals, their SNAP eligibility will be determined under special rules that take their circumstances under consideration.

### WOMEN, INFANT AND CHILDREN (WIC) SUPPLEMENTAL NUTRITION

Women, Infant and Children (WIC) clinics provide special supplemental nutrition for high-risk pregnant and breastfeeding women, as well as to infants and children up to 5 years of age. Clients gain access to medical care and are provided supplemental food vouchers, nutrition education and breastfeeding support. The WIC program is free to women, infants and children who are found to be medically and financially eligible.

**Caregivers may also qualify for benefits.** Application forms are available at all Health Department offices.

## SUPPLEMENTAL SECURITY INCOME (SSI)

Supplemental Security Income (SSI) is cash assistance for people who are aged, blind or disabled and have limited income and resources. For information, call Social Security at 1-800-772-1213 or visit the New York State Kinship Navigator's website for fact sheets on SSI.

## SOCIAL SECURITY SURVIVORS BENEFITS

Social Security Survivors Benefits are monthly cash benefits for unmarried children under the age of 18 (or full-time students under 19 and older disabled children) whose parents have died. The parent in question must have worked, paid Social Security taxes, and earned enough credits to generate benefits. Applications should be made to the Social Security office, not the local child welfare agency. Caregivers will need original documents or certified copies of the child's Social Security card and birth certificate, the parent's Social Security number, the parent's death certificate, and the deceased parent's W-2 forms or Federal tax return (if self-employed) for the most recent year. A child who is adopted (by his grandparent or anyone) is also eligible. Children in foster care and in KinGAP arrangements are also eligible.

## TAX BENEFITS

In addition to financial assistance, there are also certain tax benefits for which relatives raising children may be eligible. These benefits are "credits" which are financially more advantageous than deductions.

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**All caregivers—adoptive and foster parents, and relative guardian caregivers—can benefit from consulting a tax professional.**

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Relatives who have adopted may be eligible for the Federal Adoption Tax Credit: see OCFS's website for a copy of "10-OCFS-ADM-06" for more information, or call the New York State Kinship Navigator. Relative foster parents may also be eligible for tax benefits. Both adoptive and foster families (as well as relative guardians) should consult a tax professional.

## 59 FINANCIAL ASSISTANCE

Tax credits are the most effective way of reducing income taxes because credits directly reduce the amount of taxes owed. Some credits are “refundable,” which means that if the credit is larger than the amount of taxes due, then a refund is paid out to you.

### CHILD AND DEPENDENT CARE CREDIT

The Child and Dependant Care Credit is a tax credit benefit for working people who pay for someone else to care for their child, spouse, or dependent while at work. The provider must not be the claimant’s spouse, child, or anyone else who is a dependent. In a single parent family, the single parent must be working. In a two-parent family, both parents must be working. In order to qualify, the child must be either less than 12 years old, or older than 12 and physically or mentally incapable of self-care. Each qualifying person must be identified on the tax return to receive the credit. The child must have a Social Security Number (SS) or Individual Taxpayer Identification Number (TIN) and must live with the parents or relative caregiver. The credit is based on the cost of child care. The parent must provide the child care provider’s Social Security or ID number, the name of the provider’s organization, and the address. For more information, call the IRS and ask for Publication 2441.<sup>40</sup>

### EARNED INCOME TAX CREDIT (EIC)

The Earned Income Tax Credit (EIC) is a special benefit for low and moderate income working people including grandparents and other relatives who are raising children. The EIC program provides additional income via this “refundable” credit because it will pay out any unused credit. EIC is a tax credit program that is administered by the United States Internal Revenue Service (IRS). In most cases, the EIC does not affect eligibility for benefits like TANF, Medicaid, Food Stamps, SSI, or public or subsidized housing. The only way to get the EIC is to file an income tax return with Form 1040A or 1040 and attach Schedule EIC. Caregivers may file an income tax return even if they have low or no income as long as a child has lived with them for more than half of the year. For more information, call the IRS and ask for Publication 596.

New York also has a state Earned Income Tax Credit Program. Qualifying residents of New York State may claim up to an additional 30% of the Federal Earned Income Tax Credit program. To qualify, you only need to

40 Internal Revenue Service (2011). *Ten Things to Know About the Child and Dependent Care Credit* [Fact Sheet]. Available on the IRS website at <http://www.irs.gov/newsroom/article/0,,id=106189,00.html>.

## 60 STRONGER TOGETHER: VOLUME III

be qualified for the federal level EIC and also be a resident of the state of New York. For more information, call the IRS and ask for Publication 8812, "Additional Child Tax Credit."

### FREE TAX ASSISTANCE

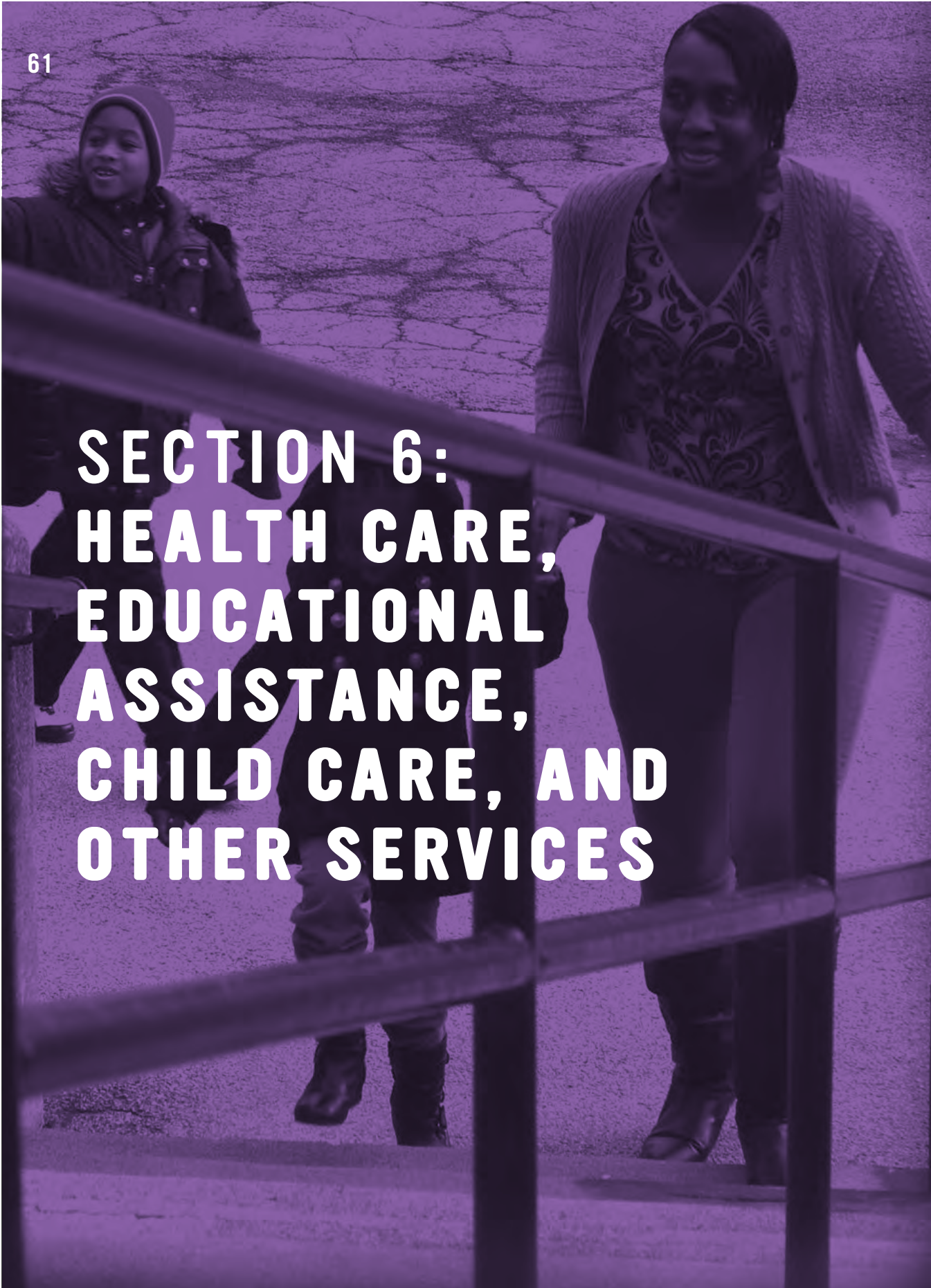
Free tax assistance and help completing the necessary forms is available to caregivers. The IRS Volunteer Income Tax Assistance (VITA) and the Tax Counseling for the Elderly (TCE) Programs offer free tax help for taxpayers who qualify. You can call the IRS office at 1-800-829-3676 for forms. You can also call the IRS at 1-800-829-1040 for further information and help. The New York State Kinship Navigator also provides updated tax information on tax credits.

During income tax season, many county area offices for the aging (such as the New York City Department for the Aging) provide assistance by IRS-trained volunteers in preparing and filing federal and state income tax forms for people 60 years and over.

Additionally, the AARP Tax Aide Program, with its local sites that operate from February 1st to April 15th, can help complete the appropriate forms. Contact the AARP Tax Aide Program at 1-888-227-7669 to find the site location nearest you.

Also, the Office of Temporary and Disability Assistance (OTDA), releases a list of Volunteer Income Tax Assistance Sites (VITA) each year. Visit the OTDA website to find the location nearest to you.<sup>41</sup>

41 For a copy of the OTDA list of volunteer tax assistance sites, visit the OTDA website at [www.otda.ny.gov](http://www.otda.ny.gov).



**SECTION 6:  
HEALTH CARE,  
EDUCATIONAL  
ASSISTANCE,  
CHILD CARE, AND  
OTHER SERVICES**

## HEALTH INSURANCE

Relative caregivers in the paid work force may find it difficult to find health insurance coverage for children because their employer-provided group insurance may not cover children in kinship care arrangements. Contact your employer and/or insurance company to find out what coverage you have. Note that DRL 74 mandates that health insurance providers cover children when their legal custodian or guardian wants to add them to his insurance policy. Medicare does not provide health coverage for children, so Medicare recipients must look elsewhere. All children who meet the qualifications for eligibility can be insured through Medicaid, Child Health Plus, or Family Health Plus as detailed below.

### MEDICAID

In New York State, the medical assistance program is called Medicaid. It is a program funded by the state and federal governments, which helps people who are receiving public assistance and/or have a low income pay for doctor and hospital bills and some medication. Kinship caregivers can apply for Medicaid for children at their local child welfare office. Children in foster care or KinGAP arrangements are eligible for medical assistance, unless they are non-qualified immigrants (in this case, children are eligible for Child Health Plus). They should make sure to apply and sign the application form as soon as possible, because payment for medical expenses can only extend back three months prior to the date of application.



## 63 HEALTH CARE, EDUCATIONAL ASSISTANCE, CHILD CARE, AND OTHER SERVICES

### **Eligibility:**

Federal law requires states to provide medical assistance benefits to individuals who receive Family Assistance (TANF, formerly AFDC) grants or Supplemental Security Income (SSI) and children in foster care. Note that if a caregiver has been told that the child is not eligible for Family Assistance or SSI, you should still apply for Medicaid on the child's behalf by going to your local child social services district office (HRA in New York City).

### **CHILD/TEEN HEALTH PROGRAM (CTHP)**

The Child/Teen Health Program (CTHP) is a provision of the federal Medicaid program which provides financially needy children with preventive health care.

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**Every child who is eligible for Medicaid is eligible for the federally funded Child/Teen Health Program (CTHP) services. CTHP is a critical program because it provides many services that may not be available to adult Medicaid recipients.**

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### **CHILD HEALTH PLUS AND FAMILY HEALTH PLUS**

In addition to the Medicaid program, New York State also offers low-cost health insurance for children up to age 19 called Child Health Plus and Family Health Plus for adults between the ages of 19 and 64. **Immigrant status is not considered for this program.** The programs are available to New York State families who are not eligible for Medicaid and have limited or no health insurance. Even if family income is high, caregivers may enroll a child in the program (although payments will be higher). The fees for Child Health Plus are based on family size and income.

## EDUCATIONAL ASSISTANCE

### FREE SCHOOL MEAL PROGRAMS

Children in foster care and KinGAP arrangements are automatically eligible for free school meal programs.

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) are federally assisted meal programs that provide nutritionally balanced free, low-cost or full price meals to schoolchildren. All children can obtain a nutritious breakfast or lunch at participating schools. Meals may be free, reduced price, or full price depending on the income of the household. Children from households that receive public assistance, food stamps or Medicaid automatically qualify for free meals and do not have to submit an application (instead, a certification letter needs to be obtained from the Office of Temporary and Disability Assistance and submitted to the child's school). Other families no longer need to submit an application with the school.<sup>42</sup> If you do not have a Social Security number, you can indicate that on the application and you will not be denied meals. School breakfasts and lunches are available at public schools, nonprofit private schools, or residential childcare institutions. In New York State, almost all public schools are a part of the National School Lunch Program.

For more information, contact your School Food Service Manager or the School Business Office for more information or call the Hunger Action Network at 1-518-434-7371, and in NYC 212-741-8912.

### SPECIAL EDUCATION SERVICES

Any student with a disability is entitled to receive a "free and appropriate public education in the least restrictive environment." If a caregiver suspects that a child has a disability and would benefit from special services, the caregiver must request this in writing by sending a letter to the Committee on Special Education in the school district or to the principal of the school. The letter should include the reasons for making this request and any details that describe the child's areas of difficulty. Date

42 For more information, please see OCFS' website: [http://www.ocfs.state.ny.us/main/policies/external/OCFS\\_2011/INFs/11-OCFS-INF-07%20Eligibility%20for%20Free%20School%20Meals%20%20Foster%20Children%20%20Children%20Placed%20by%20Court%20with%20Caretaker%20Households%20.pdf](http://www.ocfs.state.ny.us/main/policies/external/OCFS_2011/INFs/11-OCFS-INF-07%20Eligibility%20for%20Free%20School%20Meals%20%20Foster%20Children%20%20Children%20Placed%20by%20Court%20with%20Caretaker%20Households%20.pdf).

## 65 HEALTH CARE, EDUCATIONAL ASSISTANCE, CHILD CARE, AND OTHER SERVICES

the letter and keep a copy. It is a good idea for the caregiver to first discuss this with the incarcerated parent, as the parent's consent will be necessary for this request to move forward.

The Committee on Special Education (CSE) will send a plan for an evaluation. Federal law permits grandparents and other relative caregivers to participate in the deliberations of the CSE. The evaluation must include a physical examination, an individual psychological evaluation (when necessary), a social history, an observation of the student in the classroom, and appropriate educational evaluations and assessments relating to the areas of suspected disability. Once agreement is reached on the plan—including the appropriate tests—the parent's consent will be needed. If the caregiver has been designated as the "person in parental authority" by the parent, then she can sign and return the plan.

In New York State, the school district has 40 school days from the date of the parent's or caregiver's original letter or within 30 school days from receipt of the signed consent to complete the evaluation. The results of the evaluation are used to determine a child's individual needs.

If the evaluation determines that a child requires special education, the recommendation will: identify the disability; describe the child's strengths and areas of need; list goals that the child should reach in a year's time; include short term instructional objectives to be mastered or major accomplishments to be gained that will lead toward reaching the annual goals; and identify the types of programs and services that the child will receive. All of this information will be included in the Individualized Education Program (IEP).

The needs of many children with disabilities can be met in a public school setting with peers who are not disabled. Alternative programs should be considered only when the student's needs cannot be met within the regular school setting. The success of any student's educational program relies on the active participation of all persons responsible for the student—including the incarcerated parent—as appropriate. Your involvement as a caregiver and your communicating with the child's parent (as appropriate) is essential. For more information, see the *Special Education in New York State for Children Ages 3-21: A Parent's Guide*, available on the New York State Education website.<sup>43</sup>

43 <http://www.p12.nysed.gov/specialed/publications/policy/parentsguide.pdf>.

## CHILD CARE

Assistance with child care is sometimes available from the local child welfare agency when children are in foster care. For children *not* in foster care, an application can be made to the local child welfare agency and eligibility will be determined based on community standards. Children who are adopted or in a KinGAP arrangement will not be eligible for this assistance through child welfare based on their status. Foster care payments, adoption subsidy payments, and KinGAP assistance payments are not considered as income in determining eligibility for a child care subsidy. Visit OCFS's website or contact the New York State Kinship Navigator for more information. The following are the types of childcare available:

### CHILD CARE CENTERS (BIRTH TO PRE-SCHOOL AGE)

These are full or part-day programs in public or private locations. They include day care centers and Head Start programs (free part-day programs for income-eligible children). Children are grouped according to age. For more information on daycare programs, caregivers can speak with their caseworker at the local child welfare agency or visit the New York State Council on Children and Families webpage about early education and Head Start programs in New York State at <http://www.early-childhood.org/standards/descriptions.cfm>.

### FAMILY CHILD CARE HOMES

This refers to care for children in the home of another family. Children of various ages can be accommodated in a small group setting, and flexible hours can be arranged. The number of children allowed in the care of any family childcare home is regulated by the state.

44 For more information, please see OCFS' website: [http://www.ocfs.state.us/main/policies/external/OCFS\\_2012/LCMs/12-OCFS-LCM-03%20Kinship%20Guardianship%20Assistance%20Program%20Payments%20Excludable%20Income%20for%20Child%20Care%20Subsidy%20Program%20Eligibility.pdf](http://www.ocfs.state.us/main/policies/external/OCFS_2012/LCMs/12-OCFS-LCM-03%20Kinship%20Guardianship%20Assistance%20Program%20Payments%20Excludable%20Income%20for%20Child%20Care%20Subsidy%20Program%20Eligibility.pdf).

## **67** HEALTH CARE, EDUCATIONAL ASSISTANCE, CHILD CARE, AND OTHER SERVICES

### **IN-HOME CARE**

This is care in a child's own home by a person hired specifically for that purpose.

### **SUMMER DAY CAMPS**

Camps offer summer activities usually for school-age children. Programs vary from the number of hours per day to the number of weeks in a session.

### **SCHOOL-AGE CHILD CARE**

School-age child care is a patchwork of childcare programs run by community groups, parents, school boards, associations, and recreation programs. Child care is provided on a regular basis to seven or more children in kindergarten through 5th grade or who are incapable of caring for themselves.

# CONCLUSION

Caring for children is a challenging task under the best of circumstances; it can be overwhelming when caregivers are assuming responsibility for children they love, but were not planning on raising full time. Add to this the stigma that goes along with a parent's incarceration, the feelings and questions that children and caregivers have about this, and the complexities of the criminal justice system, and it is a wonder caregivers find the strength to get up in the morning! Caregivers are the unsung heroes behind children whose parents are incarcerated, and often behind their parents as well.

We hope that the information offered in this handbook lightens the load for kinship caregivers by providing essential information and resources, and by reducing the isolation that can be an additional burden. We also hope it enables professionals in a position to support these caregivers to better understand the challenges faced, the rights and options that caregivers have, and the resources available to assist and support them and the children in their care.

Together we can support and raise healthy children, and caring for the caregivers is critical to this goal. **Together—caregivers, parents, professionals and children—we are stronger than we are apart.**

## APPENDIX A:

### BE SURE YOUR CHILD IS CARED FOR AND SAFE\*

This information sheet was prepared as part of a flyer to help parents who have been arrested plan for their children. While the flyer does not provide legal advice, it does explain various short- and long-term options that help parents plan appropriately for their children's care and provides information about resources that can be helpful to parents, their children and their children's caregivers. This flyer should not take the place of speaking with a lawyer about your plans for your child.

**1. IF YOU ARE ARRESTED, CALL SOMEONE IMMEDIATELY!**

**2. IF YOU ARE SENT TO JAIL OR PRISON, MAKE PLANS AND ARRANGEMENTS FOR YOUR CHILD! TAKE IMMEDIATE STEPS — CALL SOMEONE!**

Make arrangements for today and for as long as you will be unable to care for your child. You may need to ask one person to care for your child immediately and another person to provide longer-term care.

**3. APPOINT A CAREGIVER IMMEDIATELY!**

If you are your child's only caregiver, ask your child's other parent, a relative or friend to care for your child and put it in writing. This gives that person the legal ability to make education and medical decisions for your child. There are two forms that you can use to appoint a temporary caregiver. The two forms are for different time periods and have different requirements. Always do a separate form for each of your children. The caregiver can show the completed form to your child's education and healthcare providers and they can make copies of the form. Both forms are available on the New York State Permanent Judicial Commission on Justice for Children's website.



**Form 1. Parental Appointment of Your Child’s Caregiver for 30 Days or Less**

- Complete this form immediately.
- It is easy for you to fill in and give to the caregiver.

**Form 2. Parental Appointment of Your Child’s Caregiver for 6 Months or Less**

- Complete this form as soon as possible and before the 30-day arrangement ends.
- This form must be signed in front of a notary public by you and the caregiver. You can have it notarized together or separately. If done separately, you, the parent, must have it notarized first.
- You can renew this arrangement. Complete and notarize new forms for each of your children before the 6-month period is over.

For a copy of the flyer (available in multiple languages) and forms visit the Permanent Judicial Commission on Justice for Children’s website at [www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml](http://www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml).

\*Reprinted with permission from the Permanent Judicial Commission on Justice for Children.

## APPENDIX B: PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER FOR 30 DAYS OR LESS

### FORM 1. PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER\* FOR 30 DAYS OR LESS

#### Filled Out by Parent

I, *(your name)* \_\_\_\_\_,

parent of *(your child's name)* \_\_\_\_\_,

choose *(caregiver's name)* \_\_\_\_\_,

who lives at *(caregiver's address)* \_\_\_\_\_

\_\_\_\_\_

to be the caregiver and the person able to make education and healthcare decisions, including consent for routine and emergency medical treatment, for my child. This gives the caregiver full authority for *(number from 1 to 30)* \_\_\_\_\_ days that starts on the date below and ends earlier if I say so.

Sign Here: \_\_\_\_\_

Date: \_\_\_\_\_

\*Do a separate form for each child.

The caregiver can show this form to education and healthcare providers.  
The education and healthcare providers can make copies of this form.

This form was prepared as part of a flyer to help parents who have been arrested plan for their children. While the flyer does not provide legal advice, it does explain various short- and long-term options that help parents plan appropriately for their children's care and provides information about resources that can be helpful to parents, their children and their children's caregivers. The flyer is available on the NYS Permanent Judicial Commission on Justice for Children's website at <http://www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml>.

This flyer should not take the place of speaking with a lawyer about your plans for your child.

## APPENDIX C:

# PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER FOR 6 MONTHS OR MORE

### FORM 2. PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER FOR 6 MONTHS OR LESS

**Filled Out by Parent (Do a separate form for each child)**

I, *(your name)* \_\_\_\_\_, parent of *(your child's name)* \_\_\_\_\_  
 \_\_\_\_\_, date of birth *(your child's date of birth)* \_\_\_\_\_, choose  
*(caregiver's name)* \_\_\_\_\_ to be the caregiver and the person able to make education  
 and healthcare decisions, including consent for routine and emergency medical treatment, for my child. This gives the care-  
 giver full authority for my child's education and health decisions from *(start date)* \_\_\_\_\_ to *(end*  
*date)* \_\_\_\_\_ unless I say so otherwise. The caregiver's phone number is \_\_\_\_\_.  
 The caregiver's address is \_\_\_\_\_.  
 When I was taken into custody, my home address was \_\_\_\_\_  
 \_\_\_\_\_. I expect to be in the following location (name of jail/prison) \_\_\_\_\_  
 \_\_\_\_\_ and cannot be contacted directly by phone. My department identification number or book and case  
 number is *(your number or leave blank if unknown)* \_\_\_\_\_.  
 There is no court order in effect that stops me from making this appointment.  
 Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_

**Filled Out by Notary**

STATE OF NEW YORK  
 COUNTY OF \_\_\_\_\_ ss.:  
 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_, known to  
 me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

\_\_\_\_\_  
 Notary Public

**Filled Out by Caregiver**

I, *(your name)* \_\_\_\_\_, consent to assume the responsibilities and duties of an appointed  
 caregiver (person in a parental relation) to this child.

Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_

**Filled Out by Notary**

STATE OF NEW YORK  
 COUNTY OF \_\_\_\_\_ ss.:  
 On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_, known to  
 me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

\_\_\_\_\_  
 Notary Public

This form was prepared as part of a flyer to help parents who have been arrested plan for their children. While the flyer does not provide legal advice, it does explain various short- and long-term options that help parents plan appropriately for their children's care and provides information about resources that can be helpful to parents, their children and their children's caregivers.

The flyer is available on the NYS Permanent Judicial Commission on Justice for Children's website  
 at <http://www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml>.

This flyer should not take the place of speaking with a lawyer about your plans for your child.

## **APPENDIX D: ADDITIONAL LEGAL CITATIONS**

### **NEW YORK STATE LAWS (STATUTES)**

Available at <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

DRL (Domestic Relations Laws) are found by clicking on DOM.

SSL (Social Services Laws) are found by clicking on SOS.

FCA (Family Court Act, located at the end of the listing under COURT ACTS, are found by clicking on FCT.

### **NEW YORK STATE REGULATIONS**

New York State regulations are referred to as NYCRR which stands for New York Codes, Rules, and Regulations. The NYCRR primarily contains state agency rules and regulations adopted under the State Administrative Procedure Act (SAPA). Title 18 of the NYCRR contains codes, rules and regulations for “family assistance.”

Regulations can be found online at the Department of State website: [www.dos.ny.gov](http://www.dos.ny.gov). A search can be done by regulation number or “Google” the regulation number.

### **NEW YORK AND FEDERAL CASE LAW**

Case law refers to judicial decisions that have the same effect as laws because they create precedents which courts must follow. Many cases are available at free sites. Often the case can be found by searching for it by name of parties.

Visit: <http://law.justia.com/>.

<http://caselaw.findlaw.com/courts/New-York>.

<http://www.lexisnexis.com/partners/barassociations/modules/nysba/caselaw.asp>.

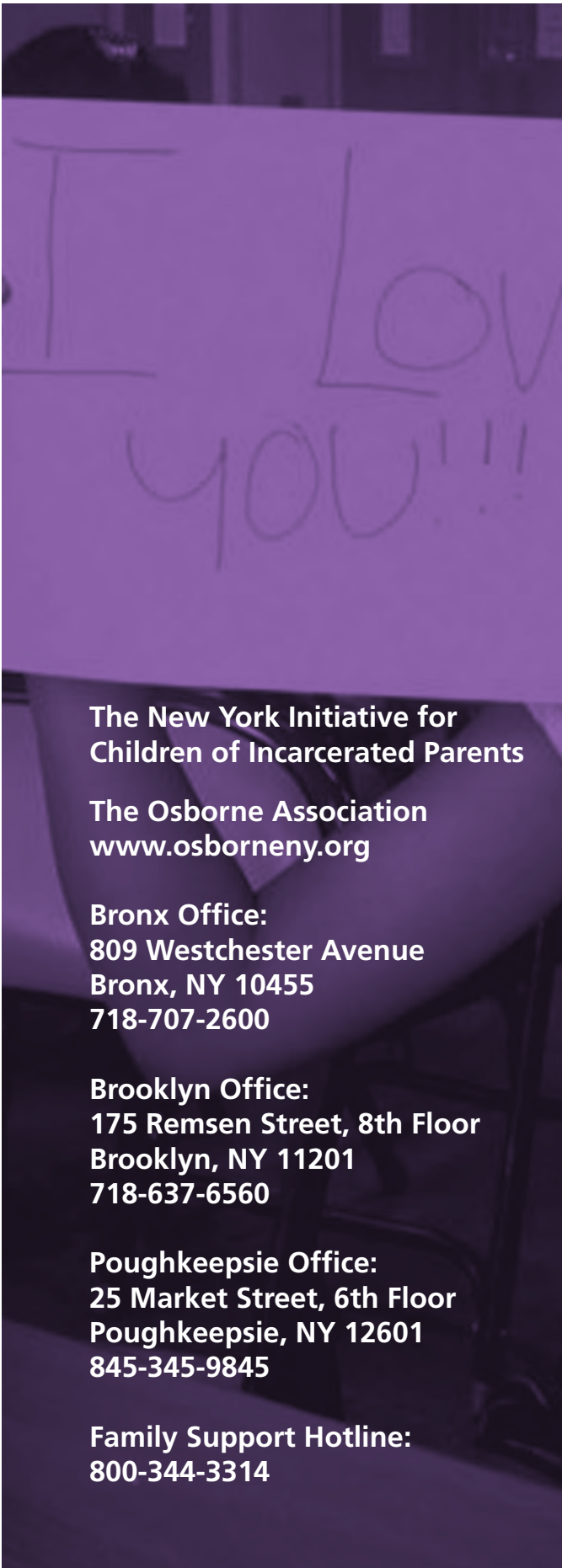
Each county maintains a court library open to the public. Information is available at <http://www.nyccourts.gov/lawlibraries/publicaccess.shtml>.

## **CHILDREN OF INCARCERATED PARENTS:**

# **A BILL OF RIGHTS**

- 1 I have the right TO BE KEPT SAFE AND INFORMED AT THE TIME OF MY PARENT'S ARREST.**
- 2 I have the right TO BE HEARD WHEN DECISIONS ARE MADE ABOUT ME.**
- 3 I have the right TO BE CONSIDERED WHEN DECISIONS ARE MADE ABOUT MY PARENT.**
- 4 I have the right TO BE WELL CARED FOR IN MY PARENT'S ABSENCE.**
- 5 I have the right TO SPEAK WITH, SEE AND TOUCH MY PARENT.**
- 6 I have the right TO SUPPORT AS I STRUGGLE WITH MY PARENT'S INCARCERATION.**
- 7 I have the right NOT TO BE JUDGED, BLAMED OR LABELED BECAUSE OF MY PARENT'S INCARCERATION.**
- 8 I have the right TO A LIFELONG RELATIONSHIP WITH MY PARENT.**

San Francisco Children of Incarcerated Parents Partnership (2005). See [www.sfcipp.org](http://www.sfcipp.org).



**The New York Initiative for  
Children of Incarcerated Parents**

**The Osborne Association**  
[www.osborneny.org](http://www.osborneny.org)

**Bronx Office:**  
809 Westchester Avenue  
Bronx, NY 10455  
718-707-2600

**Brooklyn Office:**  
175 Remsen Street, 8th Floor  
Brooklyn, NY 11201  
718-637-6560

**Poughkeepsie Office:**  
25 Market Street, 6th Floor  
Poughkeepsie, NY 12601  
845-345-9845

**Family Support Hotline:**  
800-344-3314



**The Osborne  
Association**  
Transforming Lives, Communities,  
and the Criminal Justice System

## New York NAWJ Women in Prison Committee “Beyond the Bars” Project

I hope everyone is well and keeping safe.

Due to the unprecedented coronavirus (COVID-10) pandemic, we are unable to conduct our holiday toiletry and toy drive in the same manner as we have in past years. However, we would like to do as much as we possibly can under the circumstances to bring the spirit of the holidays to the women at Taconic Correctional Facility and Albion Correctional Facility.

The committee will purchase items for gift bags for the 220 women at Taconic, and date books for 825 women at Taconic and Albion. If you have any alcohol-free toiletries, or other items to contribute to the gift bags, please contact me via email at [cgonzale@nycourts.gov](mailto:cgonzale@nycourts.gov), or via telephone at 347 404 9083 or 646 894 7195. We need to collect all items **on or before December 11, 2020**. If you have items to contribute, please contact me soon to make arrangements.

We are also sponsoring two (2) book drives: The wish list for Albion Correctional Facility, which can be accessed on Amazon by clicking on the following link:

[https://www.amazon.com/hz/wishlist/ls/2TISLM3P5WEH9?ref=cm\\_sw\\_em\\_r\\_wl\\_dp\\_3NxLAB0r5tZsu](https://www.amazon.com/hz/wishlist/ls/2TISLM3P5WEH9?ref=cm_sw_em_r_wl_dp_3NxLAB0r5tZsu)

The wish list for Taconic Correctional Facility, can be accessed on Amazon by clicking on the following link:

[https://www.amazon.com/hz/wishlist/ls/KABEP1D2IYS6?ref=cm\\_sw\\_em\\_r\\_wl\\_dp\\_tya40u97G7jrO](https://www.amazon.com/hz/wishlist/ls/KABEP1D2IYS6?ref=cm_sw_em_r_wl_dp_tya40u97G7jrO) .

Please feel free to contact me if you have any questions. Thank you for your continued support!

Best,

Cheryl Gonzales

Chair, NY Women in Prison Committee



**THE GENDER AND RACIAL FAIRNESS COMMITTEE  
OF THE 8<sup>TH</sup> JUDICIAL DISTRICT**

and

**THE PUERTO RICAN AND HISPANIC DAY PARADE OF WNY**

In Collaboration With

**THE LATINO JUDGES ASSOCIATION**

invite you to join us for a virtual

***Hispanic Heritage Month Celebration***

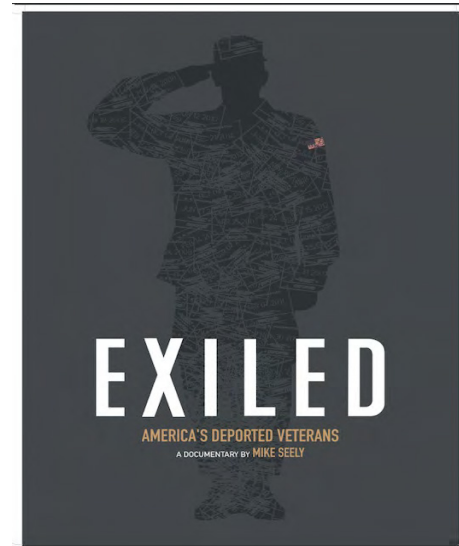
with the

**FILM SCREENING of “EXILED”**

on

**Thursday, October 22, 2020 at 12:30 PM**

***EXILED*** tells the emotional and complicated stories of two deported U.S. military veterans living in Tijuana, Mexico. In this powerful and intimate investigation of the human consequences of current U.S. immigration policies, these ***EXILED*** soldiers, who have been willing to die for their country, are now fighting to be heard and return to America - the only country they consider home.



Please note that if you wish to join this event, RSVP to [klocurto@nycourts.gov](mailto:klocurto@nycourts.gov)

Those who RSVP will receive a link to attend the film screening.



### Hispanic Heritage Month: Hon. Betty Calvo-Torres Remarks

Good afternoon, I am Judge Calvo-Torres and it is my distinct pleasure to welcome you to this year's 8th Judicial District Hispanic Heritage Month celebration.

Before we start the short film, I'd like to take a brief moment to thank those that made this virtual celebration possible.

Thank you to our Administrative Judge of the 8<sup>th</sup> Judicial District, Judge Paula Feroletto for allowing us to host this event and always being so supportive of the judges and staff in the district and programs such as this one. Judge Feroletto's leadership during these challenging times has been steadfast and greatly appreciated and the same is true with respect to her commitment to diversity and inclusion in our district.

Of course I must thank our program sponsors:

Thank you to the Gender and Racial Fairness Committee of the 8<sup>th</sup> Judicial District and its Chairwoman, Judge Jeannette Ogden who has so consistently encouraged and supported every member of our committee to recognize, celebrate and create awareness of all groups that have historically been marginalized.

Thank you the Latino Judges Association and its President Judge Sallie Manzanet-Daniels who has made it one of a priority to expand the footprint of the organization outside of the NYC area while addressing the needs of us Latino judges in upstate New York.

To our sponsoring organization Puerto Rican and Hispanic Day Parade Association of WNY that for years now has so enthusiastically supported our Hispanic Heritage Month celebration and its President Charles Torres who has worked to make the celebration and support of Latinos in the WNY area more than a one day parade but a mission the Association works on year round.

A special thanks to Mike Woltz, Kimberly LoCurto, Tasha Moore for all of their help.

Pulling this program together took great effort during a time when COVID-19 continues to present unimaginable challenges and deny us of many experiences. I'm glad that COVID-19 wasn't able to deprive us this short time during which we will gain insight and learn together.

With the Hispanic population being the fastest growing one in the United States, it is only fitting the we take time to recognize the many contributions made by Latinos to United States and our respective communities. The month traditionally is a time to share and honor the history, heritage and accomplishments of Hispanic Americans. With the screening of this film today we are also sharing some of the struggles faced by Latinos when making their contributions.

Hon. Betty Calvo-Torres  
Buffalo City Court Judge

Ninth Judicial District Committee to Promote Gender  
Fairness in the Courts

---

*Hon. Terry Jane Ruderman, Chair*

## **Ninth Judicial District Committee to Promote Gender Fairness in the Courts**

Hon. Terry Jane Ruderman, Supreme Court Justice, Chair

Members: See attached list.

Counties served: Dutchess, Orange, Putnam, Rockland, and Westchester

### **2020 Meetings**

Meeting Dates: 12-2-20

Average Attendance: 25

Do you use Videoconferencing? Yes

How did COVID-19 impact your meetings and special events?

Our activities were curtailed. Our first meeting originally scheduled for 3/11/20 was cancelled as a result of COVID-19. Normally, we would have held at least two other meetings throughout the year, but those were never scheduled due to the pandemic. Similarly, the annual essay contest awards breakfast scheduled for May was cancelled, however, the essay contest sub-committee was able to meet remotely to discuss the submissions, and checks and certificates were mailed to the essay contest winners in August. Our first general committee meeting held remotely took place on 12/2/20 using videoconferencing via Microsoft Teams.

### **2020 Special Events**

Activities for Women's History Awareness Month

The Committee sponsored its annual essay contest open to all high school students in the Ninth Judicial District. The essay contest topic was: "The United States Women's National Soccer Team is the most successful in international women's soccer, winning four Women's World Cup titles, including the 2019 title, and four Olympic gold medals. Despite the fact that the United States Men's National Soccer Team failed to even qualify for the most recent World Cup, members of the men's squad earn a significantly higher salary than members of the women's squad. Is there any justification for treating male and female athletes differently in terms of pay equality? Discuss the pros and/or cons of this issue."

Other Special Events or Activities

Our first virtual committee meeting was co-sponsored by the Westchester Women's Bar Association and featured a presentation on how to avoid common scams and frauds during the pandemic.

How were your special events advertised or marketed?

Email and Westchester Women's Bar Association website

Who and how many attended? 25

Was there any press before or after? No

## **Future Plans**

Meetings dates for planned or projected events for 2021:

March, June, September, and December

Special Events & Educational Programs

The Committee will host its annual essay contest to celebrate Women's History Awareness Month in 2021 and will sponsor a domestic violence month program.

How did COVID - 19 impact women and gender fairness in the courts in 2020?

Many women were disproportionately tasked with caring for children while simultaneously working from home or forced to take time off from work due to the lack of other childcare options during the COVID-19 pandemic.

What issues regarding women and gender in the courts do you think are important in 2021?

Pro-bono representation in matrimonial disputes.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Breastfeeding Space: There is only one dedicated breastfeeding space for employees in the Westchester County Courthouse and it is not easily or always accessible. Language access/interpreters: availability, quality, or general usage of interpreters, both within and outside of the courtroom.

Do you see unmet training needs? Yes. The New York State Judicial Committee on Women in the Courts Gender Survey 2020 revealed that bias based on gender still persists in our Court System. The need for judicial education and refresher trainings for new law clerks is apparent.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Recent developments in foreclosure law and uncontested matrimonial cases. The impact of the pandemic on contract cases.

Areas of success during 2020 for your committee and/or in general regarding gender bias and gender fairness in the courts.

We were pleased to be able to hold our annual essay contest despite the challenges imposed by the pandemic. Our essay contest sub-committee was able to meet remotely to review the essays, and the essay contest winners still received checks and certificates of achievement.

## **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Bar Associations, Colleges, and Domestic Violence Organizations

## MEMBERS

Celeste M. Bailey, Esq. Principal Court Attorney Chambers of Hon. Lori Currier Woods, J.F.C., A.J.S.C.	Amy Baldwin-Littman, Esq. Principal Law Clerk Chambers of Hon. Sandra B. Sciortino, J.S.C.	Karen T. Beltran, Esq. Assistant County Attorney Westchester County Law Department
Kim Berg, Esq. Founding Partner Gould & Berg, LLP	Natanya L. Briendel, Esq. Ret. Director, Westchester Division Pace Women's Justice Center	Gary Brown, Esq. Assistan Attorney General-in-Charge New York State Dept of Law
Professor Jay Carlisle Professor Pace Law School	Robin D. Carton, Esq. Partner Carton & Rosoff PC	Karen Cheeks Lomax, Esq. Chief Executive Officer My Sister's Place
Hon. Jeffrey Cohen Associate Justice Appellate Division, 2nd Dept.	Margaret I. Corchado, Esq. Assistant County Attorney Westchester County Law Department	Rev. Doris K. Dalton Chair County Human Rights Commission
Hon. Kathie Davidson Administrative Judge Ninth Judicial District	Stacey Dolgin-Kmetz, Esq. Chief Deputy County Attorney Westchester County Attorney's Office	Lisa Boslow Dorman, Esq. Principal Law Clerk Chambers of Hon. John P. Colangelo, J.S.C.
Jerrice Duckette-Epps, Esq. Deputy Director Westchester County Human Rights Commission	Jody Fay, Esq. Managing Vice President & Chief Counsel The Kelsey Company	Dolores Gebhardt, Esq. Partner Goldschmidt & Genovese, LLP
Angela Morcone Giannini Partner Fontana Giannini LLP	Claire Gutekunst, Esq. Executive Director Judges and Lawyers Breast Cancer Alert	Jacqueline Hattar, Esq. Partner Wilson, Elser, Moskowitz, Edelman & Dicker LLP
Hon. Allen Hochberg Ret. Support Magistrate Westchester County Family Court	Maria Imperial, Esq. Chief Executive Officer YWCA White Plains	Hon. Linda Jamieson Justice of the Supreme Court Ninth Judicial District
Cindy Kanusher, Esq. Executive Director Pace Women's Justice Center	Julie Kattan, Esq. Sole Practicioner New Rochelle, NY	Susan W. Kaufman, Esq. Matrimonial Practice Advisory and Rules Committee NYS Unified Court System
Mary Kelly, Esq. Founding Member Kelly & Knaplund	Milton Kreppel, Esq. Sole Practicioner New Rochelle, NY	Beth Levy, Esq. Senior Associate Counsel My Sister's Place
Hon. Tracy C. Mackenzie Family Court Judge Dutchess County Family Court	Keary Neary, Esq. Assistant District Attorney Westchester County District Attorney's Office	Karen R. Needleman, Esq. Chief Adminstrator for the Assigned Counsel Plan of Westchester County at the Legal Aid Society
John Nonna, Esq. County Attorney Westchester County	Christopher J. Peticca, Esq. Assistant Law Clerk Chambers of Hon. Terry Jane Ruderman, J.S.C.	Laura J. Puhala, Esq. Associate Attorney Jaffe & Asher, LLP
Hon. Terry Jane Ruderman Justice of the Supreme Court Ninth Judicial District	Jill Sandford, Esq. Chief Legal Officer FirstLight Fiber	Robi Schlaff, Esq. Director Westchester Office for Women
Hon. Thomas H. Scuccimarra Ret. Judge New York State Court of Claims	Joanne Sirotkin, Esq. Attorney-in-Charge Legal Services of the Hudson Valley	Hon. Mary Smith Justice of the Supreme Court Ninth Judicial District
Hon. Christine Sproat Ret. Justice of the Supreme Court Ninth Judicial District	Wanda Steinmann, Esq. Assistant Cuonty Attorney Westchester County Attorney's Office	Hon. John W. Sweeny, Jr. Ret. Associate Justice Appellate Division, 1st Dept.
Nicholas M. Ward-Willis, Esq. Principal Member Keane & Beane P.C.	Hon. Barry E. Warhit Justice of the Supreme Court Ninth Judicial District	Charlotte Watson Executive Director NYS Judicial Committee on Women in the Courts
Hon. Charles David Wood Justice of the Supreme Court Ninth Judicial District	Amanda Zane, Esq. Supervising Attorney, Legal Helpline and Services Pace Women's Justice Center	



WESTCHESTER WOMEN'S BAR ASSOCIATION

A CHAPTER OF THE WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK (WBSNY)

EMERALD SPONSOR



Search WWBA

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Add to my calendar

# How to Avoid Common Scams and Frauds During the Pandemic

When	December 02, 2020
	12:45 PM
Location	Microsoft Teams Meeting

**NINTH JUDICIAL DISTRICT COMMITTEE TO  
PROMOTE GENDER FAIRNESS IN THE COURTS  
MEETING NOTICE**

**Co-Sponsored by the Westchester Women's Bar Association**

**Gary S. Brown, Esq., Assistant Attorney General-in-Charge, New  
York State Office of the Attorney General, Westchester Regional  
Office**

Topic: "How to Avoid Common Scams and Frauds During the Pandemic"

Wednesday, December 2, 2020 at 12:45 p.m.

**Virtual Meeting via Microsoft Teams (see link below)**

Please click on the link below to join the meeting. If you have not used Microsoft Teams yet, you can test your system before the meeting using this [TEST LINK](#).

---

## Microsoft Teams Meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

[Learn More | Meeting options](#)

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Suffolk County Women in the Courts Committee

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*Mary Porter and Sheryl Randazzo, Esq., Chairs*

## **Suffolk County Judicial Committee on Women in the Courts**

Mary Porter, Esq. and Sheryl L. Randazzo, Esq., Chairs

Members: See attached list.

Counties served: Suffolk

### **2020 Meetings**

Meeting Dates: January 9, February 6, September 19, October 14 and November 12

Average Attendance: 20

Do you use Videoconferencing? Yes

How did COVID-19 impact your meetings and special events?

We suspended our regular meetings and planned events for March, April, May and June.

When we resumed, we hosted all meetings and events virtually.

### **2020 Special Events**

#### **Activities for Women's History Awareness Month**

Hosted the Women's Suffrage display entitled "A Centennial Commemoration of Women's Suffrage and the Achievement of Legal Rights" loaned to the Suffolk County Women in the Court Committee by the New York State Bar Association, Women in the Law Section. The display is prominently located at the hub between Family, Supreme and District Courts.

Held an art competition for original art works that depict the importance of women's suffrage. The competition was open to all local girl scout troops in Suffolk County. All the participants earned a scouting badge and received a certificate of appreciation from the Suffolk County Courts.

Our Women's History Month event entitled "The Power of the Vote for Women Celebrating the 100th Anniversary of Women Winning the Right to Vote" scheduled for March 21, 2020 was rescheduled to March 19, 2021 to be conducted virtually.

#### **Activities for Domestic Violence Awareness Month**

In conjunction with the Suffolk County Women's Bar Association and the Suffolk County Academy of Law, our Committee provided four virtual Continuing Legal Education (CLE) programs designed as a series of lunch-and-learn programs. "Orders of Protection in Domestic Violence Matters" held on October 8, 2020, "Shielding the Abused: Treatment and Presentation for Perpetrators" held on October 15, 2020, "LGBTQ Domestic Violence Matters" held on October 22, 2020 and "Shielding the Abused: Elder Abuse- A Growing Problem" held October 29, 2020 were all well attended, educated attorneys and raised awareness of various issues surrounding domestic violence. The program organizers also accepted in-kind donations for the benefit of the domestic violence shelters and crime victim's assistance organizations.



#### Other Special Events or Activities

Heart Health Awareness: On February 14, 2020, the Committee held its heart health awareness event which included an information table, blood pressure and cholesterol testing for all and an opportunity for Chair Yoga. A comparable event was arranged in our Riverhead courthouse on February 24th.

Breast Cancer Awareness: Our Committee co-hosted a virtual luncheon in conjunction with the Suffolk County Women's Bar Association on October 15, 2020. The luncheon featured remarks by a representative of the Mauer Foundation for Breast Health.

"What to Expect When You're Expecting a Law Degree": After the prior year's success, our Committee once again organized and participated in a collaborative panel presentation with Touro Law School's Women's Bar Association on October 13, 2020 conducted virtually. Committee members from diverse professional backgrounds joined ten Touro Law Center students for a discussion with Touro law students about their experience, perspectives and advice for entering the practice of law.

Men's Health Awareness: During the month of November, the Committee sent out flyers and informational material for "Movember" and prostate health awareness. Reminders were posted in public areas of the courthouse and informational material was emailed to the entire court family.

How were your special events advertised or marketed?

Email, flyer, and posted by elevators and in public areas of the courthouse.

Who and how many attended? Varied audiences and attendees depending on the event.  
Was there any press before or after? No

#### Future Plans

Meetings dates for planned or projected events for 2021:

January 14, February 11, March 11, April 8 and May 13

#### Special Events & Educational Programs

Women's History Month Event: Scheduled for March 19, 2021, this year's event is entitled "Valiant Women of the Vote," which will be held virtually. The program will include the participants in the art contest for Girl Scouts of Suffolk County, special recognition to long-time Committee member and former chair – the Honorable Gaetan Lozito, and a keynote speaker from the Suffolk Legal of Voters.

In addition, the Committee is planning events and educational programs for Heart Health Awareness (February), Mental Health Awareness (May); Domestic Violence Awareness (October); Breast Cancer Awareness (October); Men's Health (June); and presentation to the Children's Center (upon reopening).

How did COVID - 19 impact women and gender fairness in the courts in 2020?

The Covid-19 pandemic has prevented the reopening of the Child Care Center. Though court appearances have been limited in most courts, family court has continued to see high volumes of cases. Any litigant who appeared in person in those matters no longer had the option of utilizing the court located childcare center.

What issues regarding women and gender in the courts do you think are important in 2021?  
As noted in the 2020 Gender Survey, gender fairness in fee generating court appointments.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Language access/interpreters (availability, quality, or general usage of interpreters, both within and outside of the courtroom). Though court interpreters are available, increased use of plain language and multi-lingual signage and documents would improve justice access.

Do you see unmet training needs? Yes. Sexual harassment along with gender bias and sensitivity training for judges and court employees.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

None

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Bar Associations, Colleges, Domestic Violence and Sexual Assault Organizations, and Law Schools

**Suffolk County Judicial Committee on Women in the Courts  
2020 Committee Membership**

Sheryl L. Randazzo, Esq.  
Committee Co-Chair

Mary E. Porter, Esq.  
Committee Co-Chair

Hon. Toni A. Bean  
Hon. Patricia Grant Flynn  
Hon. Cheryl Joseph  
Hon. Chris Ann Kelley  
Hon. Karen Kerr  
Hon. Linda J. Kevins  
Hon. Deborah Kooperstein  
Hon. Caren L. Loguercio  
Hon. Gaetan B. Lozito  
Hon. Deborah Poulos  
Hon. Sandra L. Sgroi  
Hon. Marian R. Tinari  
Hon. Mary M. Werner  
Hon. Theresa B. Whelan  
Hon. Karen M. Wilutis  
Andrea A. Amoa, Esq.  
Myra H. Berman, Esq.  
Hon. Isabel Buse  
CO Ann Marie Calise  
Lisa Jusino Calla, Esq.  
Victoria Campos-Gaylor, Esq.  
Captain Donald Curaba  
ADA Michelle Chiuchiolo  
ADA Nancy Clifford  
Cynthia L. Doerler  
Donna Dionne-Strein  
Hon. Kathryn L. Howard  
Diane K. Farrell, Esq.  
Hon. Aletha V. Fields  
Mary Ann Filosa, Esq.

Janet Ford, Esq.  
Colleen Fondulis, Esq.  
Stephanie Giancristofaro, Esq.  
Brette P. Haefali, Esq.  
Dawn L. Hargraves, Esq.  
Elizabeth Harrington, Esq.  
Cheryl Helfer, Esq.  
ADA Keri M. Herzog  
Maureen Hordy  
Amy Hsu, Esq.  
Laurie Hulbert  
LaToya R.A. James, Esq.  
Hon. Darlene Jorif-Mangane  
PO David Juan  
Elizabeth Justesen, Esq.  
Sarah Jane LaCova  
Hon. Meridith E. Lafler  
Hon. Kerri N. Lechtrecker  
Caroline Levy, Esq.  
Catherine Lovly, Esq.  
Dawn A. Lott, Esq.  
ADA Catherine Loeffler  
Katherine T. Logiudice  
Dawn Maletta  
Chief Eileen Mallon  
Victoria McDonough  
Leslie McLoughlin  
Hon. Jennifer Mendelsohn  
Kathleen Meyer  
Carmen Mitchko

Lt. Karen Morro  
Linda Morrone, Esq.  
Laurette D. Mulry, Esq.  
Melissa Negron-Wiener, Esq.  
Agnes Neldner, Esq.  
Andrea Neubauer  
Maeghan O'Keefe, Esq.  
Hon. Rosann O. Orlando  
Kaitlyn Pickford  
Lynn Poster-Zimmerman, Esq.  
Anita Prudenti, Esq.  
Andrea Ramos-Topper  
Ronald C. Richardson  
Martha M. Rogers, Esq.  
Major David Santiago  
Linda Scrio  
Tara A. Scully, Esq.  
Kim Smith, Esq.  
Shari Lee Sugarman, Esq.  
Megan M. Tomlin, Esq.  
Margaret Trainor, Esq.  
Hon. Hertha C. Trotto  
Janessa M. Trotto, Esq.  
ADA Stephanie Tuorto  
Cynthia S. Vargas, Esq.  
Carrie Vasiluth, Esq.  
Patricia Waite, Esq.  
Cheryl M. Zimmer, Esq.  
Nicole Zuvich, Esq.



*The Suffolk County District Administrative Judge's  
Women in the Courts Committee*

&

*Stony Brook University Hospital*

*present*

***Heart Health  
2020***



**Friday, February 14, 2020**

9:00 a.m. - 1:00 p.m.

Second Floor Mezzanine

Cohalan Court Complex - Central Islip

Stop by for blood pressure and simple cholesterol screening.

(Must be 18 years or older)

Available to All: Heart health literature and materials

Wear red to show you "Have a Heart"

**Free Chair Yoga Class for Employees!**

February 14, 2020

1:00 p.m. - 2:00 p.m.

Green Conference Room, 2<sup>nd</sup> Floor District Court

Cohalan Court Complex - Central Islip

The yoga class is open to all employees  
and will operate on a first-come, first-serve basis due to limited space.

Advanced registration required:

Contact Donna Dionne at [ddionne@nycourts.gov](mailto:ddionne@nycourts.gov)

No yoga mat required; water will be supplied.



The Honorable C. Randall Hinrichs  
District Administrative Judge of Suffolk County  
and

The Suffolk County Judicial Committee on Women in the Courts

invite you to

## Women's History Month Celebration "The Power of the Vote for Women"



Celebrating the 100<sup>th</sup> Anniversary of Women  
Winning the Right to Vote

Friday, March 20<sup>th</sup>, 2020

1:00 PM

John P. Cohalan, Jr. Courthouse

Central Jury Room

400 Carleton Ave., Central Islip, New York 11722

Refreshments will be served following the program



Suffolk County  
Women's Bar Association



*The Suffolk County Judicial Committee on Women in the Courts*

## Orders of Protection in Domestic Violence Matters Thursday, October 8, 2020 Webinar

**TIME:**

12:45 p.m. – 1:35 p.m. please plan to log on 10 minutes prior to the start of the program.

**LOCATION:**

<https://www.scba.org/new/hikashop-menu-for-categories-listing/category/95-register-to-attend-a-zoom-virtual-course.html>

**MCLE CREDIT:**

**1 Practice Management**  
[Transitional and Non-Transitional]

All Levels

**PRICING:**

- SCBA Member - \$30
- SCBA Student Member - \$0
- Non-Member Attorney - \$45
- Scholars Club
- Advocates - \$25

**FINANCIAL AID:**

Email [cynthia@scba.org](mailto:cynthia@scba.org) for information.

Materials will be provided electronically.

This program will be recorded.

This course, taught by Hon. Patricia Grant Flynn, District Court Judge, Acting County Court Judge, DVI/Human Trafficking Court and Michael Williams, Chief Clerk, Family Court focuses on gaining an understanding of and the elements necessary to effectively obtain an order of protection.

**Faculty:**

**Hon. Patricia Grant Flynn**  
District Court Judge, Acting County Court Judge  
DVI/Human Trafficking Court

**Michael J. Williams**  
Chief Clerk, Family Court

**Program Coordinators:**

Andrea Amoa, Esq., Court Attorney Referee  
Jessica St. Germaine, Esq., Staff Attorney, Crime Victims Center

Please consider donating an item to the Crime Victims Center (Small portable phone chargers, personal alarm keychains – drop off at the SCBA, 560 Wheeler Road, Hauppauge)

**Registration: DV 10/8/20**

BY MAIL: Return registration with payment to: Suffolk Academy of Law, 560 Wheeler Rd., Hauppauge, NY 11788/ BY FAX: 631-234-5899/ ON-LINE: <https://www.scba.org>

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Method of Payment:**  Cash  Check (payable to Suffolk Academy of Law)  
 Credit Card <https://www.scba.org>

Suffolk Academy of Law  
560 Wheeler Road, Hauppauge, NY 11788  
31-234-5588  
scba.org



**TIME:**

12:45 p.m. – 1:35 p.m. please plan to log on 10 minutes prior to the start of the program.

**LOCATION:**

<https://www.scba.org/new/hikashop-menu-for-categories-listing/category/95-register-to-attend-a-zoom-virtual-lecture-course.html>

**MCLE CREDIT:**

1 Professional Practice  
[Transitional and Non-Transitional]

All Levels

**PRICING:**

- SCBA Member - \$30
- SCBA Student Member – \$0
- Non-Member Attorney - \$45
- Scholars Club

**FINANCIAL AID:**

Email [cynthia@scba.org](mailto:cynthia@scba.org) for information.

Materials will be provided electronically.

This program will be recorded.



Suffolk County  
Women's Bar Association



*The Suffolk County Judicial Committee on Women in the Courts*

**Shielding the Abused:  
Treatment and Representation for Perpetrators  
Thursday, October 15, 2020  
Webinar**

Conventional programs with perpetrators of domestic violence and attempts at rehabilitation are marginally effective. This program in the Domestic Violence series will focus on resource programs and representation for offenders.

**Faculty:**

**Elizabeth Justesen, Esq.**

Chief Community Outreach Officer, Legal Aid Society of Suffolk County

**Rebecca Ramos**

Senior Educator, L.I. Against Domestic Violence

Please consider donating pocket size planners (to help clients keep track of their court dates) to L.I. Against Domestic Violence

**Registration: DV 10/8/20**

BY MAIL: Return registration with payment to: Suffolk Academy of Law, 560 Wheeler Rd., Hauppauge, NY 11788/ BY FAX: 631-234-5899/ ON-LINE: <https://www.scba.org>

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Method of Payment:**  Cash  Check (payable to Suffolk Academy of Law)

Credit Card <https://www.scba.org>



Suffolk County  
Women's Bar Association



*The Suffolk County Judicial Committee on Women in the Courts*

## **LGBTQ Domestic Violence Matters** **Thursday, October 22, 2020** **Webinar**

Join us in this extraordinary partnership effort during Domestic Violence Month for the Lunch and Learn series of CLE programs that focuses on domestic violence issues. This lunch and learn program focuses on meeting the needs of the LGBTQ community.

**Faculty:**

**Hon. Chris Ann Kelley,**  
Court of Claims Judge, Acting Supreme Court Justice

**Christopher J. Chimeri, Esq.,**  
Quatela Chimeri, PLLC

**With the Support of the SCBA LGBTQ Committee**

Please consider donating an item to the **Safe Center of LI**  
(BABY CARE EX: Diapers, Wipes, Creams, Shampoo, Body Wash, Lotion, Health Care/Grooming Kits, New baby clothes – drop off at the SCBA, 560 Wheeler Road, Hauppauge)

**Registration: DV 10/22/20**

BY MAIL: Return registration with payment to: Suffolk Academy of Law, 560 Wheeler Rd., Hauppauge, NY 11788/ BY FAX: 631-234-5899/ ON-LINE: <https://www.scba.org>

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Method of Payment:**  Cash  Check (payable to Suffolk Academy of Law)

Credit Card <https://www.scba.org>

**TIME:**

12:45 p.m. – 1:35 p.m. please plan to log on 10 minutes prior to the start of the program.

**LOCATION:**

<https://www.scba.org/new/hikashop-menu-for-categories-listing/category/95-register-to-attend-a-zoom-virtual-cle-course.html>

**MCLE CREDIT:**

1 Diversity [Transitional and Non-Transitional]

All Levels

**PRICING:**

- SCBA Member - \$30
- SCBA Student Member – \$0
- Non-Member Attorney - \$45
- Scholars Club

**FINANCIAL AID:**

Email [cynthia@scba.org](mailto:cynthia@scba.org) for information.

Materials will be provided electronically.

This program will be recorded.

Suffolk Academy of Law  
560 Wheeler Road, Hauppauge, NY 11788  
(631)234-5588  
[scba.org](http://scba.org)





Suffolk County  
Women's Bar Association



*The Suffolk County Judicial Committee on Women in the Courts*

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**MCLE CREDIT:**

**1 Professional Practice**  
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All Levels

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Materials will be provided electronically.

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**Shielding the Abused:  
Elder Abuse – A Growing Problem  
Thursday, October 29, 2020  
Webinar**

Elder abuse impacts older adults of all races, cultures, sexual orientations, social classes and mental and physical abilities. This program will explain the major types of elder abuse and how the cases come to the legal department. You will learn the role of the court advocate and counseling services available. Adult Protective Services will brief you on client services and Suffolk County Office for the Aging will familiarize you with their role and services offered.

**Faculty:**

- Judy E. Lukose, Esq.**, Director of Legal Services, VIBS
- Vanessa Sanders, Esq.**, VIBS Staff Attorney
- Zoraida Espinal**, VIBS Advocate
- David Cuevas**, Adult Protective Services
- Brian Barkin**, Suffolk County Office for the Aging

Please consider donating an item to VIBS  
(Women's sweat shirts and sweat pants all sizes – drop off at SCBA, 560 Wheeler Road, Hauppauge)

**Registration: DV 10/29/20**

BY MAIL: Return registration with payment to: Suffolk Academy of Law, 560 Wheeler Rd., Hauppauge, NY 11788/ BY FAX: 631-234-5899/ ON-LINE: <https://www.scba.org>

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Suffolk Academy of Law  
560 Wheeler Road, Hauppauge, NY 11788  
31-234-5588  
scba.org



THE SUFFOLK COUNTY WOMEN'S  
BAR ASSOCIATION

and

THE SUFFOLK COUNTY DISTRICT  
ADMINISTRATIVE JUDGE'S WOMEN  
IN THE COURTS COMMITTEE

Invite you to join us for a

# **PINK RIBBON VIRTUAL LUNCHEON**

In honor of breast cancer awareness month,  
please join us for a zoom update on the  
latest news concerning breast cancer  
awareness and breast health.

**Special Guest  
Speaker:**

**Eileen Pillitteri,  
Program Manager  
at the Maurer  
Foundation for  
Breast Health  
Education**

**October 15, 2020**

**12:30 pm – 1:30 pm**

**Zoom Meeting**

**[https://us02web.z  
oom.us/j/8499287  
7916](https://us02web.zoom.us/j/84992877916)**

**Meeting ID:  
849 9287 7916  
Passcode: 305110**

**PLEASE R.S.V.P. IN  
ADVANCE TO LORA  
ROSENTHAL,  
LORA@TOUCHDOWN  
ABSTRACT.COM**



### Women in the Courts Committee Holds Pink Ribbon Luncheon

The Suffolk County Women’s Bar Association and the Suffolk County Women in the Courts Committee joined forces to offer an awareness program for its members. The “Pink Ribbon Virtual Luncheon” in honor of Breast Cancer Awareness Month was held on Thursday, October 15th via Zoom. During the meeting, participants received an update on the latest news concerning breast cancer awareness and breast health.

Prior to COVID-19, members of the Women in the Courts Committee have provided breast health literature to members of the court community and the public during October. Volunteers are eager to continue providing outreach by traditional means when it becomes safe to do so.

To learn more about the importance of breast health or to find ways to better inform your community about breast cancer, please visit: <https://www.nationalbreastcancer.org/>.

## Virtual Presentations Offered in Recognition of Domestic Violence Awareness Month

The Suffolk County Women in the Courts Committee, in partnership with the Suffolk Academy of Law and the Suffolk County Women’s Bar Association, coordinated a series of domestic violence awareness education programs. The programs, under the umbrella topic of “Shielding the Abused,” were offered remotely and provided attorneys and community outreach staff the opportunity to stay informed about the latest trends in the field of domestic violence prevention.

On October, 8, 2020, the Honorable Patricia Grant Flynn, District Court Judge, Acting County Court Judge, DV1/Human Trafficking Court and Michael Williams Chief Clerk, Family Court, conducted a joint presentation. Their topic, “Orders of Protection in Domestic Violence Matters,” focused on gaining an understanding of and the elements necessary to effectively obtain an order of protection.

The second in the series was offered on October 15, 2020 and was coordinated by Elizabeth Justesen, Esq., Chief Community Outreach Officer, Legal Aid Society of Suffolk County. With the expertise of social workers from Community Counseling Services and True North Counseling Services, Ms. Justesen led a discuss in which resource programs for representation of domestic violence offenders were outlined.

On Thursday, October 22, 2020, the Honorable Chris Ann Kelley, Court of Claims Judge, Acting Supreme Court Justice and Christopher J. Chimeri, Esq., Quatela Chimeri, PLLC, presented, “LGBTQ Domestic Violence Matters.” This CLE program, offered with the support of the Suffolk County Bar Association’s LGBTQ Committee, focused on meeting the needs of the LGBTQ community facing domestic violence.

The final program in the series was held on Thursday, October 29, 2020 and addressed elder abuse. The faculty encompassed staff attorneys from VIBS and representatives from Adult Protective Services and Suffolk County Office of the Aging. The program explained the major types of elder abuse and how the cases come into the legal department. Participants learned the role of the court advocate and available counseling services. Adult Protective Services briefed participants on client services and the Suffolk County Office for the Aging familiarized attendees with their role and services offered.

Donations of personal hygiene items and phone chargers were accepted to the following organizations combatting domestic violence: VIBS, the Crime Victims Center, Long Island Against Domestic Violence and the Safe Center LI.





### 2020 SEFA Campaign

The 2020 SEFA Campaign is in full swing and revamped to make it easier than ever to contribute. Charities need our help to flourish—especially in these uniquely challenging times. Check out <https://www.givingnexus.org/nyssefa/> for more information and to set up payroll deduction to begin in January of 2021.

For more information, see the PowerPoint attached to the recent SEFA email or contact Kaitlyn Pickford at [kpickfor@nycourts.gov](mailto:kpickfor@nycourts.gov).



The Suffolk County Women in the Courts Committee reminds you that it's MOVEMBER, also known as No Shave November. The month of November is dedicated to bringing attention to and improving men's health awareness. Now is the time to reach out to the men in your life and promote their well-being. Heart health, testicular cancer, prostate cancer and mental health are all areas of our lives that we need to support.

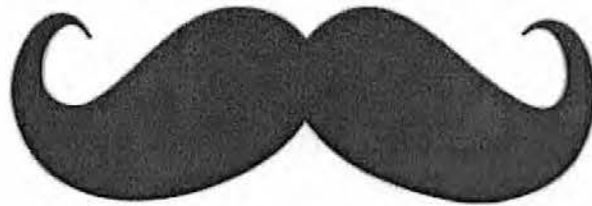
PSA testing was canceled this year due to COVID-19, however, testing is covered by health insurance. Many employers allow paid leave for annual cancer screenings. Talk to your human resources department or union representative for more information. Now, more than ever, it is important to stay connected and healthy.

Support the health of the men in our courthouse and remember to get up and MOVE!

See Probation Officer David Juan for a mask. 631-853-7890.

The Suffolk County Women in the Court Committee reminds you that:

# It's MOVEMBER



MOVEMBER, also known as No Shave November, is a month dedicated to bringing attention to and improving Men's Health Awareness.

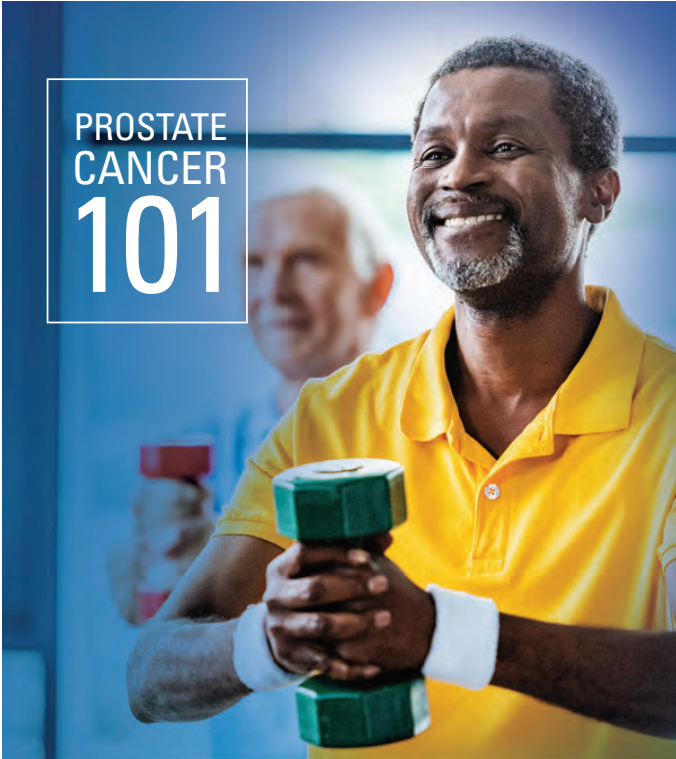
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PROSTATE  
CANCER  
**101**



A MAN GETS DIAGNOSED  
ALMOST EVERY **3 MINUTES** WITH  
**PROSTATE CANCER.**

**ZERO**   
THE END OF PROSTATE **CANCER**

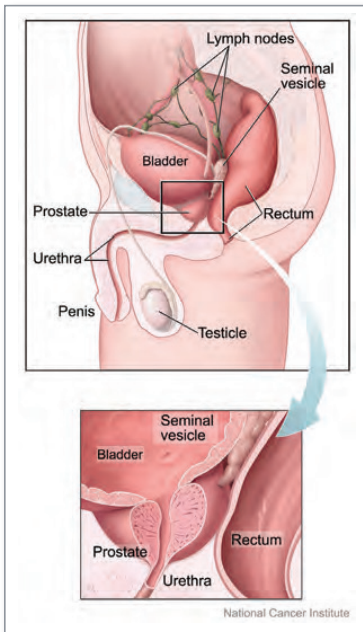
**EDUCATION** AND  
TESTING ARE VITAL  
TO **DEFEATING**  
THIS DISEASE.

**PROSTATE CANCER 101**  
**WHAT IS PROSTATE CANCER?**

Prostate cancer is cancer that begins in the prostate. The prostate is a walnut-shaped gland in the male reproductive system located below the bladder and in front of the rectum. It surrounds the urethra and makes the fluid to nourish and protect sperm cells.

Cancer is a disease that begins in cells, which are the building blocks that make up all tissue and organs of the body, including the prostate. Normal cells grow, divide, and die on a regular schedule. Sometimes something goes wrong with this process and the cells don't die as they should. Instead, they create a growth or tumor. Tumors can be benign (not cancerous) or malignant (cancerous).

Most prostate cancer grows slowly and stays in the prostate. Many men with prostate cancer die of other causes. While most prostate cancer is slow growing, others will be aggressive and can spread quickly.

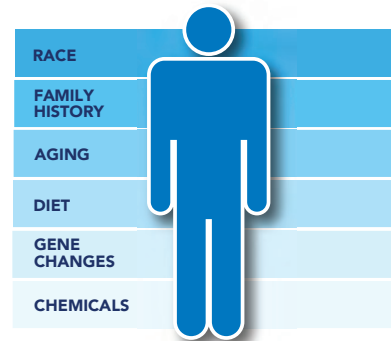


PROSTATE CANCER 101 01

**WHO IS AT RISK?**

Every 16 minutes another American man dies from prostate cancer. That is a little more than 91 deaths per day. A man's risk of prostate cancer increases with age, and most prostate cancer is found in men over 50 years old. The greatest risk factors are family history, African American ancestry, exposure to Agent Orange, and increasing age. African American men are 1.8 times more likely to develop the disease and 2.2 times more likely to die from the disease than white men\*. One in five U.S. veterans will develop prostate cancer in their lifetime.

**RISK FACTORS**



**RISK QUIZ**

- Are you over the age of 65?
- Are you African-American?
- Were you exposed to Agent Orange or herbicides in the military?
- Did your father or brother have prostate cancer?

\*Cancer Facts & Figures 2020, American Cancer Society

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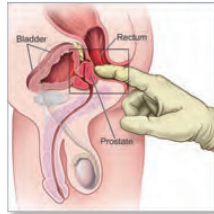
## BENEFITS OF EARLY DETECTION

All men are at risk of prostate cancer. Finding the disease early means the best chance of curing it. When found early, more than 99 percent of men will be alive five years later.

There are two early detection tests for prostate cancer:

- **Prostate Specific Antigen (PSA) Test** – Determines the level of PSA in the blood. Levels of PSA are commonly higher in men with prostate cancer than men without prostate cancer.

- **Digital Rectal Exam (DRE)** – A test that is done when a doctor or nurse inserts a gloved, lubricated finger into the rectum to estimate the size of the prostate and feel for lumps or other abnormalities.



National Cancer Institute

## Guidelines for Early Detection

The National Comprehensive Cancer Network® (NCCN®) and ZERO recommend a man should be educated about prostate cancer and understand his options for early detection. Talk with your doctor about your personal risk and the guidelines to make a plan for testing.



PROSTATE CANCER 101 03

## PSA Screening Guidelines\*

### NCCN Clinical Practice Guidelines In Oncology (NCCN Guidelines®) Prostate Cancer Early Detection

If you  
are  
between  
ages  
45 – 75

If your PSA is below 1 ng/mL and your DRE is normal, repeat testing every 2-4 years

If your PSA is between 1 and 3 ng/mL and your DRE is normal, repeat testing every 1-2 years

If your PSA is greater than 3 ng/mL or your DRE is suspicious, your doctor may suggest additional testing or a biopsy

If you  
are  
over 75

Decide together with your doctor if PSA/DRE testing is right for you

If you continue testing and your PSA is less than 4 ng/mL and your DRE is normal, repeat testing every 1-4 years

If your PSA is greater than or equal to 4 ng/mL or your DRE is suspicious, your doctor may suggest additional testing or a biopsy

Adapted with permission from the NCCN Clinical Practice Guidelines in Oncology (NCCN Guidelines®) for Prostate Cancer Early Detection V.2.2019. ©2019 National Comprehensive Cancer Network, Inc. All rights reserved. The NCCN Guidelines® and illustrations herein may not be reproduced in any form for any purpose without the express written permission of NCCN. To view the most recent and complete version of the NCCN Guidelines, go online to [NCCN.org](http://NCCN.org). The NCCN Guidelines are a work in progress that may be refined as often as new significant data becomes available.

NCCN makes no warranties of any kind whatsoever regarding their content, use or application and disclaims any responsibility for their application or use in any way.

IF YOU HAVE  
PROSTATE CANCER  
YOU CAN  
**BEAT IT.**

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## Diagnosing Prostate Cancer

If cancer is suspected as a result of a PSA test, DRE, or other factors, a biopsy will most likely be performed. A prostate biopsy is the removal of samples of tissue from your prostate with a needle and the help of ultrasound.

Exciting research shows that using both MRI and ultrasound can help doctors pinpoint aggressive prostate tumors.

Additional research has yielded tests that can detect if cancer is present, and if so, how aggressive that cancer might be:

**Phi:** The Prostate Health Index combines three blood tests that give a “Phi Score,” which may help physicians more accurately determine the probability of finding cancer during a biopsy.

**4KScore:** A blood test providing patient-specific probability of finding an aggressive form of prostate cancer during a biopsy. The test measures total PSA, free PSA, intact PSA and kallikrein enzymes. The company then uses this information and the patient’s age and physical exam to calculate the probability percentage of having aggressive disease.

**PCA3:** A urine test that may suggest the possibility of prostate cancer by examining the expression of PCA3, which is a gene specific to prostate cancer. The PCA3 score is used to determine the need for repeated biopsies.

**ExoDx Prostate:** A simple, non-invasive urine test to assess your risk of having clinically significant high-grade prostate cancer. The ExoDx Prostate Test does not require a digital rectal exam (DRE) and provides an individualized risk score that can help determine to whether to proceed or defer a prostate biopsy.

## Genomic Testing

Genomic testing is a type of specialized medical test done on cancerous tissue. These tests look at the makeup of the cancer and provide information about what treatments may be helpful against a given cancer, and may help physicians predict the aggressiveness of the cancer.

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## Genomic Testing (Continuation)

The results from a genomic test can help with making a plan to manage prostate cancer. Commonly used genomic tests on biopsy specimen for localized prostate cancer include Decipher Biopsy®, Oncotype DX Genomic Prostate Score®, GPST™, PTEN, Prolaris®, Promark®. More than 50 percent of men newly diagnosed with prostate cancer have low-risk disease, which will likely not spread beyond the prostate to cause harm.

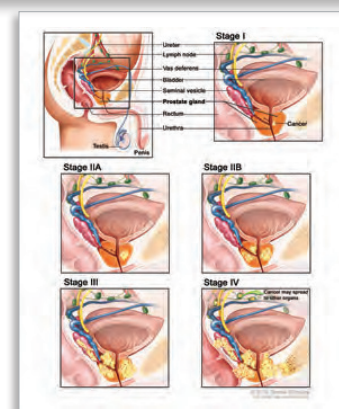
## Grading and Staging

Once prostate cancer is confirmed, additional tests are done to learn the location (stage) and Gleason score (grade) of the tumor.

Staging is the process used to find out if the cancer has spread within the prostate or to other parts of the body.

## PROSTATE CANCER STAGES

<b>Stage I</b>	The cancer is small and only in the prostate
<b>Stage II</b>	The cancer is larger and may be in both lobes of the prostate but is still confined to the prostate
<b>Stage III</b>	The cancer has spread beyond the prostate to nearby lymph glands or seminal vesicles
<b>Stage IV</b>	The cancer has spread to other organs such as the bone and is referred to as metastatic cancer. If prostate cancer spreads, or metastasizes, to the bone, you have prostate cancer cells in the bone, not bone cancer



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Grading, using the Gleason score, indicates how quickly the tumor will grow and spread. The grade is the description of the tumor based on how abnormal the cells look under the microscope. Scores go from 2 to 10. The higher the number the more abnormal the prostate tissue is compared to normal tissue. The two numbers are then added to get a score. Higher Gleason Scores mean the cancer is more likely to spread. Most scores range from 6 - 10.

GLEASON GRADE GROUP IN CATEGORICAL ORDER	
Gleason X	Gleason score cannot be determined
Gleason 6 or less	The tumor tissue is well differentiated, less aggressive and likely to grow more slowly
Gleason 7	The tumor tissue is moderately differentiated, moderately aggressive and likely to grow but may not spread quickly
Gleason 8-10	The tumor tissue is poorly differentiated or undifferentiated, highly aggressive and likely to grow faster and spread

## TREATMENT

Choosing a health care team is an important decision. Take the time to get educated on all available options and potential negative side effects to make the best treatment decision for you.

Early stage, also called localized, prostate cancer is cancer that has not moved outside of the prostate. Treatment is done to cure the cancer. Up to 40 percent of men treated with localized prostate cancer will experience a recurrence.

Advanced prostate cancer is cancer that has moved outside of the prostate. There are different types of advanced prostate cancer:

- **Locally Advanced:** Cancer has spread beyond the outer layer of the prostate into nearby tissues. Locally advanced prostate cancer is considered nonmetastatic.
- **Metastatic:** Cancer has spread to other parts of the body, such as the bones, lymph nodes, lungs,

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or liver.

- **Castration-Sensitive Prostate Cancer (CSPC, also called Hormone-Sensitive Prostate Cancer):** A form of prostate cancer that still responds to testosterone suppression therapy. CSPC can be referred to as nmCSPC when there is no detectable metastases upon imaging, and as mCSPC when it has advanced to metastatic stage.
- **Castration-Resistant Prostate Cancer (CRPC):** Cancer that keeps growing even when the amount of testosterone in the body is reduced to very low levels. Many early-stage prostate cancers need normal levels of testosterone to grow, but castrate-resistant prostate cancers do not. CRPC can be referred to as nmCRPC when there is no detectable metastases upon imaging, and as mCRPC when it has advanced to metastatic stage.

About 9 percent of men are diagnosed with metastatic disease.

The best treatment for one man may not be the best for another. The right treatment for you depends on many factors including:

- Age
- Gleason score (grade) of the tumor
- Stage of prostate cancer
- Symptoms
- General health

Prostate cancer is a disease that can be treated by several different types of medical specialists. And the treatment chosen may mean that the doctor who diagnosed your cancer is not the one doing the majority of your treatment. You may meet with many doctors before you make a final decision about treatment.

Consider a multidisciplinary team for the treatment of your prostate cancer. A multidisciplinary team is a group of health care professionals from different specialties that work together to suggest a treatment plan. If you cannot work with a multidisciplinary team, meeting with a medical oncologist will help you have a full picture of all treatment options available to you. This is especially important should your cancer return.

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Specialists involved in the treatment of prostate cancer include:



Physicians:

- Urologist
- Radiation Oncologist
- Medical Oncologist



Other Health Care Professionals:

- Oncology Social Worker
- Physical Therapist
- Nutritionist
- Navigator

## TREATMENT OPTIONS

### Early Stage Prostate Cancer

**Active Surveillance** is the close monitoring of the status of the prostate cancer through regular office visits and repeat medical tests. Prostate cancer can grow slowly, allowing time to evaluate options.

**Surgery**, known as a **radical prostatectomy**, is the removal of the entire prostate by a surgeon.

**Radiation therapy** uses radiation to destroy the cancer cells in the prostate while leaving the prostate in the body. It can be given in two ways, externally (from the outside) and internally (placed inside) to fight prostate cancer.

- **External Radiation Therapy, or External Beam Radiation Therapy (EBRT)** — Involves treating the prostate and the pelvic region with radiation in daily doses. Most EBRT is delivered using x-ray photons (with the exception of proton beam therapy). This radiation is the same kind used for an X-Ray or CT scan, except that the amount of energy used is much higher.

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- **Internal Radiation Therapy** – Comes in two types: brachytherapy and radiopharmaceuticals. Although they both involve placing radioactive materials inside the body, they are very different options, used for different stages of the disease. Both low and high dose brachytherapy are used for localized prostate cancer, while radiopharmaceuticals are used exclusively for prostate cancer that has spread to the bone.

## Advanced Prostate Cancer

### Hormone Therapy

Hormone therapy, also called androgen deprivation therapy (ADT), lowers the testosterone level in a man's body. Because prostate cancer cells use testosterone as fuel, ADT starves the tumor cells. Hormone therapies do not directly kill prostate cancer cells, but cause many cells to starve to death and others to become dormant or inactive for a period of time. They can improve the quality of life and extend survival.

### Immunotherapy

Immunotherapy stimulates the immune system to kill cancer cells in men with advanced prostate cancer. A treatment is made by taking a man's blood cells and 'training' them to destroy prostate cancer cells. These are then injected back into the man a few days later.

### Chemotherapy

Chemotherapy uses anti-cancer drugs to kill cancer cells. Chemotherapy for prostate cancer is given into a vein (intravenously) with a needle and IV catheter. This treatment given in a doctor's office.

### Radiation for Bone Metastases

Frequently, prostate cancer travels to the bone and can cause pain, increased fractures, and other problems. There are several available treatments that use radiation.

**External radiation** can be used to treat individual areas of the bone where the prostate cancer has spread.





**Internal radiation**, a radiopharmaceutical, is given as a shot and goes to the bone. It gives off strong energy to help kill off cancer cells, but does limited damage to healthy cells.

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## CLINICAL TRIALS

A clinical trial is an investigation of an treatment to see if it is safe and effective to use to treat a disease such as prostate cancer. In some cases, a clinical trial can be considered as a first-line treatment.

### CLINICAL TRIALS EVALUATE:

	NEW DRUGS & MEDICINES		NEW COMBINATIONS OF TREATMENTS
	NEW APPROACHES TO SURGERY OR RADIATION THERAPY		NEW METHODS SUCH AS GENE THERAPY

*All clinical trials vary depending on the objective of the test. However, placebos are not used in cancer treatment trials unless the patient is getting a standard, accepted therapy plus a placebo in addition to standard therapy, or there is no available disease-directed treatment option for a patient.*

Many clinical trials consist of two groups:

- Patients who receive the experimental drug or treatment.
- Patients who are given either a standard treatment for the disease or a placebo which has no direct therapeutic effect. Placebo treatments are not given in situations in which a standard treatment is available.

Regardless of which group they are in, all patients receive the same level of medical attention, including blood work, imaging tests, and supportive care. In most clinical trials, the health of the participants is monitored both during and after the study period.

Clinical trials are highly controlled and regulated. They can be sponsored by pharmaceutical or biotech companies, the federal government, medical institutions, or private foundations. Learn more at [zerocancer.org/clinical-trials](http://zerocancer.org/clinical-trials)

## QUESTIONS TO ASK YOUR DOCTOR

Before starting treatment you should talk to your doctor about your options. You may want to seek a second opinion or even talk to several different doctors about all treatment options, their side effects, and the expected results.



### QUESTIONS FOR THE DOC



- Q** What are my treatment options? Which do you recommend for me? Why?
- Q** What are the expected benefits of each kind of treatment?
- Q** What are the risks and possible side effects of each treatment? How can the side effects be managed?
- Q** What can I do to prepare for treatment?
- Q** Will I need to be hospitalized? If so, for how long?
- Q** What is the cost of treatment? Will my insurance cover it?
- Q** How will treatment affect my normal activities? Will it affect my sex life? Will I have urinary problems? Will I have bowel problems?
- Q** Is a clinical trial an option for me?

## SIDE EFFECTS OF TREATMENT

The side effects from treatment can range from temporary to long term incontinence, trouble controlling your bladder, and erectile dysfunction, to other issues such as pain and depression.

Fortunately, side effects can be managed. Talk with your doctor to learn how potential side effects can be managed. Side effects may include:

- **Incontinence:** Prostatectomy and radiation therapy can cause muscle damage that disrupts the way the bladder holds and discharges urine. Treatment for this will depend on the severity of the condition.
- **Erectile Dysfunction:** Erectile dysfunction is a common side effect following prostatectomy and radiation therapy. Treatment includes medication and implants.
- **Pain:** Treatment ranges from over-the-counter pain killers and prescription narcotics to radiation treatment and acupuncture.
- **Depression:** Feelings of sadness, anger, and anxiety are common for people going through a major challenge like cancer. If you are having trouble coping, don't be afraid to talk to your doctor.
- **Fatigue:** Cancer related fatigue is an extreme feeling of tiredness or lack of energy, similar to exhaustion.



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## HEALTHY LIVING

An overall wellness plan of healthy living is critical when it comes to prostate health and fighting prostate cancer. A growing list of studies show a strong connection between fighting cancer and important choices in diet, physical activity, and lifestyle.



### Tips for Healthy Living

- Eat a healthy, plant-based diet and limit animal products
- Be physically active
- Seek to maintain a healthy weight
- Limit the amount of alcohol you drink
- If you use tobacco, stop; and if you don't, do not start
- Protect your skin from UV radiation
- Have regular physical exams and talk with your doctor about your risk for prostate and other cancers

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# A HEALTHY LIFESTYLE IS THE KEY TO PREVENTION.



## ZERO PROSTATE CANCER RUN/WALK

The ZERO Prostate Cancer Run/Walk is the largest men's health event series in America with more than 45 cities nationwide. The series brings together patients, survivors, family members, friends, colleagues, athletes, and medical professionals to end prostate cancer. These events encourage men to take an active role in their health and raise more than \$4M annually for prostate cancer research, advocacy, patient education, and support. Join us as a walker, runner, or volunteer for this family-friendly event in a city near you! Register at: [www.zerocancer.run](http://www.zerocancer.run)

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## RESOURCES

Life with prostate cancer can bring profound changes and challenges. Understanding the disease and how to manage it can increase your confidence in making changes to improve and maintain your health. At ZERO, we are dedicated to helping you live your best life possible. Learn more about our resources available on our website at [zerocancer.org/learn](http://zerocancer.org/learn).

**ZERO360: Comprehensive Patient Support** – No man should face prostate cancer alone. Now men don't have to. We offer a free service to help patients make treatment decisions, access financial resources to cover treatment and other needs, and find emotional support. Our team of experienced case managers is ready to help you and your family through your personal prostate cancer journey.

Contact us toll-free at **1-844-244-1309** or [zerocancer.org/zero360](http://zerocancer.org/zero360).

**Educational Webinars** – Hear directly from experts in the prostate cancer community on various topics from the comfort of your home. Our live webinar programs are taped and available for you to listen to at any time on our website.



**Education Video Library** – We are pleased to offer some of our information in patient education videos featuring physicians, patients, survivors, and loved ones.



**Fact Sheets, Worksheets, and Questions to Ask Your Doctor** – Download one of our fact sheets today to learn more about prostate cancer. We also provide worksheets to track your disease and questions to ask your doctor.



**For Families** – If someone you love has been diagnosed with prostate cancer, you are not alone. Read our tips for coping and taking care of your loved one.



### Social Media – Like

and **follow** ZERO on social media, where we share helpful educational resources

-  [facebook.com/zerocancer](https://facebook.com/zerocancer)
-  [twitter.com/zerocancer](https://twitter.com/zerocancer)
-  [instagram.com/zeroprostatecancer](https://instagram.com/zeroprostatecancer)

16 PROSTATE CANCER 101

**MENtor Program** – The MENtor program provides support to newly diagnosed men living with prostate cancer, as well as men who have experienced a recurrence. Our trained, volunteer MENtors represent many different prostate cancer journeys and have a wealth of insights to share based on their experiences. Learn more at [zerocancer.org/mentor](http://zerocancer.org/mentor).

**ZERO Connect** - Our online support group where those affected by prostate cancer can share their stories, ask questions, get advice, and connect with one another on their prostate cancer journey. Search ZERO Connect on Facebook to join.

**Caregiver Connector** - The Caregiver Connector Program allows us to connect prostate cancer caregivers with the ongoing one-on-one support from a Caregiver Mentor. Caregivers include spouse/partner, child, sibling, other supportive relationships. Learn more at [zerocancer.org/caregiver-connector](http://zerocancer.org/caregiver-connector).



#### ABOUT ZERO - THE END OF PROSTATE CANCER

ZERO — The End of Prostate Cancer is the leading national nonprofit with the mission to end prostate cancer. ZERO advances research, improves the lives of men and families, and inspires action. We're building Generation ZERO, the first generation of men free from prostate cancer, through our national run/walk series, education and patient support programs, and grassroots advocacy. ZERO is a 501(c)(3) philanthropic organization, accredited by the Better Business Bureau, with regional chapters across the country. We dedicate 86 cents of every dollar to research and programs. For more information, visit [www.zerocancer.org](http://www.zerocancer.org).



515 King Street, Suite 420  
Alexandria, VA 22314  
Phone: 202-463-9455  
Toll-free patient support line: 888-245-9455  
[info@zerocancer.org](mailto:info@zerocancer.org)

 [facebook.com/zerocancer](https://facebook.com/zerocancer)

 [twitter.com/zerocancer](https://twitter.com/zerocancer)

 [instagram.com/zeroprostatecancer](https://instagram.com/zeroprostatecancer)

[ZEROCANCER.ORG](http://ZEROCANCER.ORG)

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PC101-JUNE 2020

Gender Fairness Committee of the Twelfth Judicial  
District, Supreme Court Committee

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*Hon. Bahaati E. Pitt, Chair*



## **Twelfth Judicial District Gender Fairness Committee**

Hon. Bahaati E. Pitt, Bronx Supreme Court, Criminal Division, Chair

Members: Ishaira Garcia, Senior Court Clerk, Bronx Supreme Court, Criminal, Ruth Whalen, Assistant Deputy Chief Clerk, Bronx Family Court, Elix R. Madera-Fliegleman, Chief Clerk, Bronx Surrogate Court, Karen Lebron, Secretary, Bronx Supreme Court, Civil, Shantel Castro, Court Attorney, Civil Court, Sue Levy, Referee, Bronx Family Court, Lachell Glaspie, Senior Court Clerk, Guardianship, Terri Roman, Project Director, Bronx Domestic Violence Complex, Hon. Matthew Raso, Hon. Wilma Guzman, Hon. Llinet Rosado, Hon. Naita Semaj-Williams

Counties served: Bronx

### **2020 Meetings**

Meeting Dates: March 10 and December 1

Average Attendance: 7

Do you use Videoconferencing? Yes

How did COVID-19 impact your meetings and special events?

We had to cancel the March event. We were unable to hold events during COVID-19.

### **2020 Special Events**

Activities for Women's History Awareness Month

Cancelled

Domestic Violence Awareness Month and Other Special Events or Activities

Unable to be held due to Covid-19

How were your special events advertised or marketed?

Email and Flyer. We had posted flyers for March event and had to recall them.

### **Future Plans**

Meetings dates for planned or projected events for 2021:

January 12, 2021. Monthly schedule to be set at that time.

Special Events & Educational Programs

Celebrate Women's History Awareness Month with a virtual program on March 3 followed by a Pride Awareness Month, and a Domestic Violence Awareness Month program.

What issues regarding women and gender in the courts do you think are important in 2021?

Access to courts. Orders of Protection. Issues of custody.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Availability of Supervised Visitation services and staffing of IDV parts.

Do you see unmet training needs? Yes. Court staff in IDV should be trained in using the electronic platforms used by IDV. ex. Civil Court (matrimonial) and UCMS. In the Bronx, we are without clerks with specific training in these areas. The criminal court clerks do not have the training.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Custody, Visitation, and Neglect

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes, Bar

Associations

Gender Fairness Committee, New York County,  
Supreme Court, Civil Term

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*Hon. Deborah Kaplan and Gregory Testa, Esq., Chairs*

## **Gender Fairness Committee, New York County, Supreme Court, Civil Branch**

Hon. Deborah A. Kaplan, Administrative Judge for Civil Matters, First Judicial District, and Gregory F. Testa, Esq., Associate Court Attorney

**Members:** Valerie Qualls, Secretary, Simone Abrams, Doina Rosu Alamazon, Hon. Nancy Bannon, Hon. Arlene Bluth, Hon. Margaret Chan, Hon. Matthew Cooper, Michelle Furey-D'Esposito, Patricia Garone, Joan Gilbert, Hon. Judith Gische, Hon. Shlomo Hagler, Steven Helfont, Esq., Yesenia Herrera, Cecily Hernandez, Hon. Lynn Kotler, Joan Levenson, Esq., Manhoor Misbah, Esq., Hon. Eileen Rakower, Judith Rifkin, Esq., Sheila Riley-Aultman, Marie Rosemy, Hon. Lori Sattler, Hon. O. Peter Sherwood, Hon. Lisa Sokoloff, Gloria Smyth-Godinger, Hon. Milton Tingling, John Werner, Esq., Shadai Wilkins

Counties served: New York

### **2020 Meetings**

**Meeting Dates:** Our last winter in-person meeting took place on February 20, 2020. We hope to have a subcommittee meeting in December of 2020. Our committee would have been previously holding meetings or special events on a monthly basis.

**Average Attendance:** 20

**Do you use Videoconferencing?** Yes

**How did COVID-19 impact your meetings and special events?**

While many events were planned for the Spring and Summer of 2020, the events unfortunately had to be canceled. Now that our committee has adapted to virtual-based court work, we are starting to utilize this technology to plan our future events.

### **2020 Special Events**

**Activities for Women's History Awareness Month**

Our committee planned to host its annual Women's History Month Program in early April of 2020 which would have featured a slideshow from a noted Art historian from Montclair State University. We had also hoped to include several speakers to honor two female employees for their service to the court. Due to the pandemic, and limitations on public gatherings, we unfortunately had to postpone the program. We look forward to having a similar program soon.

**Activities for Domestic Violence Awareness Month**

Prior to the pandemic, on November 22, 2019, our committee hosted its Domestic Violence Awareness Program which featured Jennifer Herbert, Associate Vice President of Programs of the Joe Torre Safe at Home Foundation. Founded and named after Major League Baseball's Joe Torre and his wife Ali, the Safe At Home Foundation provides services in schools to children exposed to domestic violence, child abuse, teen dating abuse, and sexual assault.

We are currently in the planning stages to organize a virtual program featuring The One Love Foundation. This domestic violence non-profit organization, founded in memory of a college student who tragically died, has educated young people through its peer-to-peer discussions and workshops. We hope to learn about how this non-profit organization has utilized technology and a virtual format to continue to educate young people across the country about domestic violence and dating violence.

#### Other Special Events or Activities

##### Bring Your Children to Work Day

Our committee has annually hosted its annual "Bring Your Children to Work Day" in May. This event welcomes children of employees to an educational day in the courthouse. While the event was in the planning stages for 2020, we had to cancel the event. We look forward to hosting this event in some type of format in the future.

##### The Holocaust Remembrance Program

Our committee, along with the Jewish Lawyers' Guild, co-sponsors the annual Holocaust Remembrance Program. While the event was planned to take place in May of 2020, the event had to be postponed.

##### Caren Aronowitz Unity in Diversity Event

The Annual Caren Aronowitz Unity in Diversity Event is a traditional event, which our committee co-sponsors, named in honor of Caren Aronowitz, a beloved court employee who passed away and who was instrumental in organizing many courthouse events. We are in the process of discussing ideas regarding how we can convert elements of this program to a virtual event.

How were your special events advertised or marketed?

Email and Flyer

Who and how many attended?

Our events generally attract about 100 people and are open to members of the public. The events are attended by judges, judicial and non-judicial staff, attorneys, bar association members, college and law school professors, students, and members of the community.

Was there any press before or after? Yes

#### **Future Plans**

Meetings dates for planned or projected events for 2021:

We hope to utilize virtual formats to host a CLE and our annual events. We hope to have planning subcommittee meetings in the winter months.

Special Events & Educational Programs

Women's History Month, Domestic Violence Awareness Month, The Holocaust Remembrance Program, Caren Aronowitz Unity in Diversity Event, and Bring Your Children to Work Day.

What issues regarding women and gender in the courts do you think are important in 2021? Gender equality and gender equity remain vital topics for discussion, as well as the findings of the recent survey results conducted by the NYS Judicial Committee on Women in the Courts. Domestic Violence as well as Elder Abuse also remain important areas for discussion.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? No

Do you see unmet training needs? No

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

It would be informative to learn how the pandemic has impacted the Domestic Violence and Elder Abuse fields.

Areas of success during 2020 for your committee and/or in general regarding gender bias and gender fairness in the courts.

While many of our events had to be cancelled in 2020, we look forward to utilizing the framework of the events and transform them into virtual programs.

**Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Bar Associations, Colleges, Domestic Violence and Sexual Assault Organizations, and Law Schools

Gender Bias Committee, New York County, Supreme  
Court, Criminal Term

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*Hon. Erika Edwards and Lisa M. White-Tingling, Chairs*

## **Gender Fairness Committee, New York County, Supreme Court, Criminal Term**

Hon. Erika Edwards (JSC) and Lisa White-Tingling (Court Clerk Specialist), Chairs

Members: Christopher DiSanto; Thelma Greenidge; Peter W. Kiefer; Nicole M. Beckford; Nicole Leary; Julia Valette; Alana N. Gardner; Kelly Harris; Lorraine Gizzarelli; Michael McKee; Michael Stein; Betty Santiago; Rachel Bigio; Kelley Duffy; Ellen Biben; Dana Levin; Dean Hutchins; Miranda Mifflin; Michele Hendricks; Hon. Michele Rodney; Hon. Erika Edwards; Lisa White-Tingling

Counties served: New York

### **2020 Meetings**

Meeting Dates: March 9

Average Attendance: 7

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

Canceled planning of Gender Identity Course

Canceled planning of Lunchtime Meditation/Stretch class

Canceled planning of Nutrition Class

### **2020 Special Events**

Activities for Women's History Awareness Month

None executed -- we had planned on launching the 2020 Lunchtime Movie series with the Hon. Toko Serita film "Blowing Up" on March 26 and 27 but the COVID-19 crisis thwarted.

### **Future Plans**

Meetings dates for planned or projected events for 2021:

To be determined

How did COVID - 19 impact women and gender fairness in the courts in 2020?

We would normally convene for events. COVID-19 safety observances and change in the workload prevented gatherings and planning.

What issues regarding women and gender fairness in the courts do you think are important in 2021? \*

1. Lack of female representation in supervisory security ranks
2. All-Gender inclusivity

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women? Yes

Do you see unmet training needs? Yes. Yearly sexual harassment and gender discrimination training



What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

None

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

No

Kings County Civil Court Gender Fairness Committee

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*Hon. Consuelo Mallafre Melendez, Chair*

## **Kings County Civil Court Gender Fairness Committee**

Hon. Consuelo Mallafré Meléndez, Chair

**Members:** Hon. Cheryl Gonzales, Supervisor Housing Court, Kings County; Hon. Carolyn Walker-Diallo; Lena Ferrara, Clerk; Hon. Malika Sherman, Judge Housing Court, Kings County; Hon. Heela Capell, Judge Housing Court, Kings County; Kalisha Evans, Clerk; Erica Adams-Mohammed; Isabel Andresen, Clerk; Madeline Kirton, Court Attorney; Daphne Bareket, Court Attorney

Counties served: Kings

### **2020 Meetings**

**Meeting Dates:** January 31, February 5, February 13

**Average Attendance:** 8

**Do you use Videoconferencing?** No

**How did COVID-19 impact your meetings and special events?**

Not only were we not allowed to enter the building from March 16, 2020 until June 8, 2020, but once we came back, we were not allowed to gather for meetings. Most of the staff came back on a rotating basis and many of those physically in the building did not have use of technology to participate in meetings. Our Women's History Month programs were cancelled in March and no other programs have been planned for the reasons noted above.

### **2020 Special Events**

**Activities for Women's History Awareness Month**

"Valiant Women of the Vote" - an event honoring those who promote voting rights

By invitation from the Brooklyn Women's Bar Association: A Pink and Teal Seminar - Breast and Ovarian Cancer Awareness seminar

**How were your special events advertised or marketed?**

Email, Flyer, and Word of Mouth

**Who and how many attended?** Events were cancelled due to the pandemic.

### **Future Plans**

**Meetings dates for planned or projected events for 2021:**

Meetings will be scheduled as COVID restrictions are lifted.

### **Concerns**

**How did COVID - 19 impact women and gender fairness in the courts in 2020?**

All events were cancelled, and no meetings may be held.

What issues regarding women and gender in the courts do you think are important in 2021?  
Virtual communication within the courthouse is limited.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Children's Centers and Breastfeeding Space

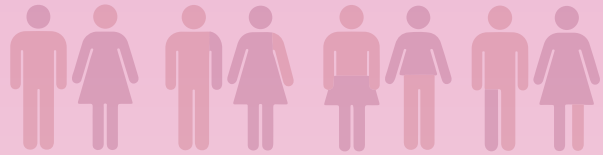
Do you see unmet training needs? No

### **Collaboration**

Have you joined with groups outside the courts for programs or projects?

Bar Associations

**THE KINGS COUNTY  
CIVIL COURT'S GENDER  
FAIRNESS COMMITTEE  
INVITES YOU TO ATTEND**



**2020 WOMEN'S HISTORY MONTH CELEBRATION**

# **VALIANT WOMEN OF THE VOTE**

**HONOREES**

**COUNCILWOMAN  
ALICKA AMPRY-SAMUEL**

**OFFICER  
SEAN ACOMPORA**

**COURT CLERK  
MOIRA SCOTT**

**ASSISTANT COURT  
ANALYST  
HELEN BRIZARD**

**FRIDAY  
MARCH 27, 2020  
1PM - 2PM**

**141 LIVINGSTON STREET,  
ROOM 306, 3RD FLOOR**

**LIGHT REFRESHMENTS WILL BE SERVED**

**The event is generously sponsored by the Law Firm of Blank and Star  
and the Brooklyn Women's Bar Association**

# WHAT DO YOU REALLY KNOW ABOUT BREAST AND OVARIAN CANCERS?

The Kings County Civil Court Gender Fairness  
Committee Invites You to  
*Attend a Pink and Teal Seminar!*

**WHERE:** Brooklyn Women's Bar  
Association  
Kings County Supreme  
Court  
360 Adams Street  
Brooklyn, New York  
11th Floor Boardroom

**WHEN:** Monday  
March 16, 2020  
12:45-2:15  
Bring your own lunch

**RSVP:** Blerina Bako  
347-296-1545  
bbako@nycourts.gov

## ***Inspiration Guaranteed!***

- Learn about breast and ovarian cancer awareness through the unique perspective of healthy survivors.
- Learn about risks, risk reduction, early detection, doctor-patient communication and much more.
- Become empowered about your health.
- Learn about SHARE, a survivor-led organization dedicated to providing emotional support and information about breast and ovarian cancers through its many free services and programs.
- Ask questions.

**More information at  
[www.sharecancersupport.org](http://www.sharecancersupport.org)**



Kings County Criminal Court Gender Fairness Committee

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*Hon. Abena Darkeh, Interim Chair*

## **Kings County Criminal Court Gender Fairness Committee**

Hon. Abena Darkeh, Interim Co-Chair

Members: Committee members to be identified. Early 2020 efforts ceased due to the pandemic.

Counties served: Kings

### **2020 Meetings**

Meeting Dates: January 2020

Average Attendance: 2

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

Unable to develop committee membership which curtailed any meeting or events.

### **Concerns**

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Childcare Center availability

Do you see unmet training needs? No.



Queens County Supreme Court, Civil and Criminal  
Terms, Gender Fairness Committee

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*Chairs: Hon. Marguerite A. Grays, Hon. Marcia Hirsch,  
Hon. Sally Unger, and Hon. Gia Morris*

**Queens County Supreme Court Civil and Criminal Terms  
Gender Fairness Committee**

Chairs:

Hon. Marguerite A. Grays, Administrative Judge Civil Matters, 11th J.D.  
Hon. Marcia P. Hirsch, Judge of the Court of Claims/Acting Supreme Court Justice,  
Queens Supreme Court, Criminal Term  
Hon. Sally Unger, Queens County Civil Court  
Hon. Gia Morris, Queens County Criminal Court

Members: See attached list.

Counties served: Queens

**2020 Meetings**

Meeting Dates: February 13, 20, March 2

Average Attendance: 10

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

Meeting attendance was severely limited to those moving forward the scheduled March 30, 2020 event, which subsequently had to be cancelled due to the shutdown.

**2020 Special Events**

Activities for Women's History Awareness Month

"SUFFRAGETTES IN CORSELETTES - the evolution of underwear & our 19th Amendment" (see attached flyer) scheduled for March 30, 2020.

How were your special events advertised or marketed?

Email, Mail, and Flyer

Who and how many attended? Event was cancelled due to COVID-19 causing the courts to shut down.

Was there any press before or after? No

**Future Plans**

Meetings dates for planned or projected events for 2021:

COVID-19 precluded any new meetings.

**Concerns**

How did COVID-19 impact women and gender fairness in the courts in 2020?

The focus of attention has been the health of court employees and the public in general, rather than specific issues of fairness.

What issues regarding women and gender in the courts do you think are important in 2021?

Domestic Violence and an increase in mental health issues due to COVID-19.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Childcare Centers and Breastfeeding Space

Do you see unmet training needs? No

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Queens Women's Bar Association, Macon B. Allen Black Bar Association, Catholic Lawyers Association of Queens County, The Brandeis Association and The South Asian and Indo Caribbean Bar Association

## Members

Rosemary Serno  
Secretary to Judge, Queens  
Supreme Court,  
Criminal Term

Frank Consigli, Esq.  
Prn. Court Attorney, Queens  
Supreme Court,  
Criminal Term

Diana Megias, Esq.  
Assistant District Attorney, Queens  
County  
District Attorney

Delores Haynes  
Secretary to Judge, Queens  
Supreme Court  
Criminal Term

Hon. Marguerite A. Grays  
Deputy Administrative Judge Civil  
Matters,  
11th Judicial District

Hon. Marcia Hirsch  
Judge, Queens Supreme Court,  
Criminal Term

JoAnn Lopresto  
Secretary to Judge, Queens County  
Supreme Court,  
Civil Term

Maritza Karagiorgos  
Senior Court Analyst, Queens  
Treatment Court

Peter Manzo  
Resource Coordinator, Queens  
Mental Health Court

Patrick Clayton  
Case Manager, Queens Treatment  
Courts

Nicole McGregor Mundy  
Prn. Court Attorney, Queens  
Supreme Court,  
Civil Term

Iris Guzman  
Principal Court Analyst  
Queens Criminal Court

Hon. Joseph A. Zayas  
Administrative Judge, Criminal Term  
Queens Supreme Court

Hon. Charles Lopresto  
Judge, Queens Supreme Court,  
Criminal Term

Hon. Bernice Siegal  
Judge, Queens Supreme Court, Civil  
Term

Hon. Morgan Lancman  
Judge, Queens Supreme Court, Civil  
Term

Carol Gardner, Esq.  
Prin. Court Attorney, Queens  
Supreme Court  
Civil Term

Rosemary Chao, Esq.  
Prin. Court Attorney, Queens  
Supreme Court  
Criminal Term

Susan Beberfall, Esq.  
Prin. Court Attorney, Queens  
Supreme Court  
Civil Term

Samantha McDawal  
Associate Court Clerk, Queens  
Supreme Court  
Criminal Term

Tiffany Malcolm, Esq.  
Law Clerk, Queens Supreme Court  
Civil Term

Cassandra Johnson  
Court Clerk, Queens Supreme Court  
Civil Term  
Annette Bevans, Esq.  
Associate Law Clerk, Queens  
Supreme Court  
Civil Term

Hon. Gia Morris  
Judge, Queens Supreme Court  
Criminal Term

Hon. Lenora Gerald  
Judge, Queens Supreme Court  
Criminal Term

Noliesa Davoli, Esq.  
Prin. Court Attorney, Queens  
Supreme Court  
Criminal Term

Queens Family Court Women in the Courts/Gender  
Fairness Committee

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*Hon. Elizabeth Fassler, Chair*

## **Gender Fairness Committee of the Queens County Family Court**

Hon. Elizabeth Fassler, NYC Family Court Judge, Chair

Members: Membership in formation. The chair was appointed on March 12, 2020 and unable to form a committee prior to the start of the pandemic.

Counties served: Queens

### **2020 Meetings**

Meeting Dates: None due to pandemic

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

We were unable to have any meeting or plan any events based on the pandemic.

### **2020 Special Events**

There were no planned activities this year due to the pandemic.

### **Future Plans**

The chair is working on forming the committee and once formed will set a schedule for meetings and to plan events.

What issues regarding women and gender in the courts do you think are important in 2021?  
Women's health and pay equity

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Availability of Childcare Centers and Breastfeeding Space: There is no designated space set aside for breastfeeding and the childcare centers prior to Covid had limited times of operation, which is hard for any parent, not just women.

Do you see unmet training needs? Yes. The New York State Judicial Committee on Women in the Courts Gender Survey 2020 revealed that bias based on gender still persists in our Court System. The need for judicial education and refresher trainings for new law clerks is apparent.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Once our committee is formed, we will come up with a list of lunch and learn sessions.

## **Gender Fairness Committee of the Queens County Family Court**

Hon. Elizabeth Fassler, NYC Family Court Judge, Chair

Members: Membership in formation. The chair was appointed on March 12, 2020 and unable to form a committee prior to the start of the pandemic.

Counties served: Queens

### **2020 Meetings**

Meeting Dates: None due to pandemic

Do you use Videoconferencing? No

How did COVID-19 impact your meetings and special events?

We were unable to have any meeting or plan any events based on the pandemic.

### **2020 Special Events**

There were no planned activities this year due to the pandemic.

### **Future Plans**

The chair is working on forming the committee and once formed will set a schedule for meetings and to plan events.

What issues regarding women and gender in the courts do you think are important in 2021?  
Women's health and pay equity

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Availability of Childcare Centers and Breastfeeding Space: There is no designated space set aside for breastfeeding and the childcare centers prior to Covid had limited times of operation, which is hard for any parent, not just women.

Do you see unmet training needs? Yes. The New York State Judicial Committee on Women in the Courts Gender Survey 2020 revealed that bias based on gender still persists in our Court System. The need for judicial education and refresher trainings for new law clerks is apparent.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Once our committee is formed, we will come up with a list of lunch and learn sessions.



Staten Island Gender Fairness Committee

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*Hon. Barbara I. Panepinto and  
Hon. Karen B. Wolff, Chairs*

## **Staten Island Gender Fairness Committee**

Hon. Barbara Irolla Panepinto and Hon. Karen B. Wolff

**Members:** Claire Cody Miller, Esq., Karen Soren, Esq., Rian Silverman, Esq. (Court Attorney to Hon. Karen B. Wolff), Hon. Alison Hamanjan, Hon. Helene D. Sacco (Supervising Judge Richmond County Family Court)

**Counties served:** Staten Island

### **2020 Meetings**

**Meeting Dates:** 1/2020 via email

**Average Attendance:** 4

**Do you use Videoconferencing?** No

**How did COVID-19 impact your meetings and special events?**

Our activities were curtailed.

### **2020 Special Events**

**Special Events or Activities**

In recognition of January Human Trafficking Month, on January 9, 2020, the Committee brought a Human Trafficking workshop to New Dorp High School. Saving Jane and Thomas Estler, author of the Abolitionista! series conducted the workshop for approximately 70 students.

**How were your special events advertised or marketed?**

High School program publicized by faculty of the Law Program.

**Who and how many attended?** 70

**Was there any press before or after?** No

### **Future Plans**

**Meetings dates for planned or projected events for 2021:**

To be determined

**Special Events & Educational Programs**

We look forward to co-sponsoring Breast Cancer Awareness events and working with the local high schools to bring programming on Family Law.

**How did COVID - 19 impact women and gender fairness in the courts in 2020?**

Our programming has been put on hold.

**What issues regarding women and gender fairness in the courts do you think are important in 2021?**

Working women in time of Covid, supervised visitation resources, assigned counsel in matrimonial matters, stress reduction and wellness.

Do you see operational issues in your court or judicial district that adversely affect women or a subgroup of women?

Lack of available Children's centers and Supervised Visitation

Do you see unmet training needs? No.

What topics would you like to see developed for Lunch & Learn Sessions from 1:00 – 2:00 in the courthouse?

Stress management, work/life balance, health and wellness, career opportunities for women in the law.

Areas of success during 2020 for your committee and/or in general regarding gender bias and gender fairness in the courts.

Our program concerning Human Trafficking, how to recognize unsafe relationships and how to seek help was well received by the students and faculty at New Dorp H.S. Four morning periods were devoted to the program and a promotional video on the Saving Jane website featured the kids. Due to this connection, Saving Jane and New Dorp HS will be partnering in 1/2021 to present further programming for more students. They have each expressed thanks to the SI Gender Fairness Committee for creating this connection.

### **Collaboration**

Have you joined with groups outside the courts for programs or projects? Yes

Saving Jane (Human Trafficking Prevention Program)