

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Human Services and Early Childhood

From: Caitlin, Mitchell, Staff Attorney, Youth, Rights & Justice

Date: April 6, 2015

RE: **Support for SB 939**

Youth, Rights & Justice was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system.

YRJ supports SB 939, which would allocate funding to the Department of the Corrections to provide programming designed to **re-establish, maintain and promote healthy relationships between children and their incarcerated parents**.

There is a significant overlap between families that are DOC and DHS involved, with conservative estimates that 10% of incarcerated mothers and 6% of incarcerated fathers have at least one child in foster care.¹ Parents in prison face substantial barriers to maintaining relationships with their children. It may be financially or logistically impossible for the child's caregiver to bring the child for a visit; prison rules and facilities create a stressful, unfriendly visiting environment; and a parent's relationship with the child's caregiver, and with the child, may be damaged or strained. **Visitation reduces recidivism² and increases the chance of parent-child reunification**; yet, most incarcerated parents do not visit with their children on a regular basis, if at all.

SB 939 would create programming that is crucial for the health and welfare of children, who should not be penalized for their parents' mistakes. Research shows that visitation is most beneficial for children of incarcerated parents when it is part of a broader intervention, such as the one contemplated by this bill.³

Programming that supports parents—particularly programming that works with families holistically and includes child-friendly visitation—can make it possible for incarcerated parents to play an active role in their children's lives in a way that would otherwise be impossible. That opportunity for involvement may make a difference in whether an incarcerated parent is able to prevent the permanent and irrevocable termination of his or her parental rights.⁴ Youth, Rights & Justice encourages your support of SB 939.

¹ J. Mark Eddy and Julie Poehlmann, eds., *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*, 268-69 (2010).

² <http://www.asca.net/system/assets/attachments/5101/Mohr%20-%20OH%20DRC%20Visitation%20Research%20Summary.pdf?1352146798>; <http://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPPrisonVisitationStudy.pdf>

³ Julie Poehlmann et al., *Children's Contact with their Incarcerated Parents: Research Findings and Recommendations*, *American Psychologist* Vol. 65, No. 6, 591 (2010).

⁴ Incarcerated parents—even those incarcerated for non-violent offenses that are not directly related to parenting ability—face a high risk of losing their rights, permanently and irrevocably. The Adoption and Safe Families Act (ASFA, 1997) requires states to file a termination of parental rights petition after a child has been in foster care for 15 of 22 months, with some exceptions. This is a shorter timeframe than the typical prison sentence; thus, most parents sentenced to prison are at risk of losing their parental rights if they have a child in foster care.