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VIRGINIA COMMISSION ON YOUTH

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The Study of The Needs of Children Whose Parents are Incarcerated

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REPORT OF

THE VIRGINIA COMMISSION ON YOUTH

TO THE GOVERNOR AND

THE VIRGINIA GENERAL ASSEMBLY

ON

The Study of the Needs of Children Whose Parents are Incarcerated

NCJRS

MAR 2 1993

ACQUISITIONS

House Joint Resolution 218
Commonwealth of Virginia
December 1992

COMMONWEALTH of VIRGINIA

Commission on Youth

December 15, 1992

Senator R. Edward Houck, *Chairman*
Delegate Jerrauld C. Jones, *Vice Chairman*
Senator Robert L. Calhoun
Delegate L. Karen Darner
Delegate R. Creigh Deeds
Delegate Arthur R. Giesen, Jr.
Delegate Thomas M. Jackson, Jr.
Senator Yvonne B. Miller
Delegate Linda M. Wallace
Ms. Thomasina T. Binga
Ms. Elizabeth N. Embrey
Mr. Robert E. Shepherd, Jr.

Executive Director
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TO: The Honorable L. Douglas Wilder, Governor of Virginia

and

Members of the Virginia General Assembly

The 1992 General Assembly, through House Joint Resolution 218, requested the Virginia Commission on Youth to "conduct a comprehensive study of the problems faced and associated with children of parents who are incarcerated."

Enclosed for your review and consideration is the report that has been prepared in response to this request. The Commission received assistance from all affected agencies and gratefully acknowledges their input in this report.

Respectfully submitted,

R. Edward Houck
Chairman

MEMBERS OF THE VIRGINIA COMMISSION ON YOUTH

From the Virginia House of Delegates

Jerrauld C. Jones, Vice Chairman
L. Karen Darner
R. Creigh Deeds
Arthur R. Giesen, Jr.
Thomas M. Jackson, Jr.
Linda M. Wallace

From the Senate of Virginia

R. Edward Houck, Chairman
Robert L. Calhoun
Yvonne B. Miller

Appointmented by the Governor from the Commonwealth at large

Thomasina T. Binga
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TREATMENT SUBCOMMITTEE
Commission on Youth

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Senator Robert L. Calhoun
Delegate L. Karen Darner
Delegate Arthur R. Giesen Jr.
Ms. Thomasina T. Binga

Staff

Nancy H. Ross, Executive Director
Mary R. Simmons, Staff Assistant
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I. Authority for Study

§9-292 of the *Code of Virginia* establishes the Commission on Youth and directs it to "... study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families." §9-294 provides that the Commission has the powers and duties "To undertake studies and gather information and data in order to accomplish its purposes...and to formulate and present its recommendations to the Governor and the General Assembly."

The 1992 General Assembly Session passed Delegate Gladys B. Keating's (Fairfax) House Joint Resolution 218 directing the Commission on Youth to conduct a comprehensive study on the problems faced and associated with children whose parents are incarcerated. The Commission on Youth, in fulfilling its legislative mandate, undertook the study.

II. Members Appointed to Serve

At the May 7, 1992 meeting of the Commission on Youth, Senator Edward Houck, Chairman, assigned the Study of the Needs of Children Whose Parents are Incarcerated to the Commission's Treatment Subcommittee. Serving on the Treatment Subcommittee are Senator R. Edward Houck, Chairman (Spotsylvania), Senator Robert L. Calhoun (Alexandria), Delegate L. Karen Darner (Arlington), Delegate Arthur R. Giesen Jr. (Waynesboro), and Ms. Thomasina T. Binga (Richmond).

III. Executive Summary

The most significant finding of the study is the absence of information regarding the number and conditions of those children in Virginia whose parents are incarcerated. This population of Virginia's children falls between the gaps of the correctional, child welfare, education and mental health agencies, yet they often come into contact with all these agencies for other reasons. Correctional and law enforcement agencies do not see the families of inmates and/or arrested individuals as their responsibility, and while other systems may be engaged with the child for a variety of reasons, the factor of parental incarceration is not identified. Therefore, we currently have no way of precisely identifying the number of children in Virginia whose parents are involved with the correctional system in either institutional or community settings. However, through extrapolation from national studies and application of these findings to Virginia we estimate there are **13,704** children with incarcerated parents and an additional **16,990** children whose parents are on some form of correctional supervision. When added together we estimate there are **30,694** minor children whose parents are involved in the

criminal justice system.[1] The majority of these children are between the ages of seven and twelve.

Law enforcement does not routinely inquire about the presence of minor children when an arrest takes place away from the home and correctional staff has marginal involvement with the offender's family. Schools and other community agencies are often unaware of the parent's status. Even when the presence of minor children is known, communication across correctional and community-based programs (such as schools, community mental health and social services) serving the child and family are limited at best. Because these children are not identified in any systematic way, service providers are at a loss in acknowledging the impact parental incarceration has on the child and the remaining family unit.

The crisis of incarceration on the family unit often affects their economic status, living environment, and family structure. The needs of the children throughout this process are often not the focus of the family nor of the service providers who are turned to for assistance. As a result, the needs of these children in coping with parental incarceration is ignored.

In addition, there are both crisis or short-term physical and psychological needs of children that must be addressed at the time of arrest and the long-term need for stability for the child throughout their parent's involvement with the criminal justice system. Unfortunately, there are no statewide systems or service models in place to ensure these needs are addressed.

The majority of these children do go to live with relatives but their legal status in terms of custody and who has authority to make decisions on their parent's behalf is unclear. The adults who are placed in the care-taking roles with these children are often overwhelmed with the financial and the personal responsibility of providing for these children.

A few of these children enter into the foster care system solely due to the parent's incarceration. More typically, the parental behavior was such that the home was found to be unfit and incarceration for these behaviors (i.e. drug distribution) then followed. For those children who enter foster care, there are additional issues regarding the incarcerated parent's ability to participate in the foster care plan while under correctional custody.

Clearly the jail and prison populations are growing and show no signs of abating in the near future. With the increase in number of female inmates, it is a certainty that there will be increasing numbers of children living in all communities across the state whose parents are incarcerated. In attempting to respond to the needs of the children whose parents are incarcerated, the Commonwealth must reaffirm its belief that children should be served and judged on their own merits and not by the actions of their parents.

On the basis of its findings, the Commission on Youth offers the following recommendations in the areas of a.) data collection, b.) information development and

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[1] These numbers do not include the minor children of inmates incarcerated in the federal or military correctional system nor the children whose parents are under the supervision of the Virginia Department of Youth and Family Services

dissemination, c.) training for system professionals, d.) service delivery, and e.) policy revisions:

Data Collection:

The Department of Corrections is requested to develop a mechanism to accurately gather information on the number of inmates in both prison and jail settings with minor, dependent children. The Department of Corrections is further requested to report on their plans to collect this information to the Commission on Youth in November 1993.

Information Development and Dissemination:

The Children's Resource Center, in cooperation with the Departments of Social Services, Education, Mental Health, Mental Retardation and Substance Abuse Services, Corrections, Youth and Family Services, Health and local law enforcement and prison visitation services, is requested to develop age-appropriate material for children of incarcerated parents that explains the various phases of the criminal justice system. In addition, the Children's Resource Center is requested to investigate sources of private foundation funding for the printing and dissemination costs of the material and to develop a plan for dissemination through the schools, local departments of social services, Circuit and District courts, jail and correctional facilities, and law enforcement agencies. The Children's Resource Center is further requested to report on the status of this project to the Commission on Youth in November 1993.

The Children's Resource Center, in cooperation with the Departments of Social Services, Corrections, Youth and Family Services, and local law enforcement agencies, is requested to develop information packets on the phases of the criminal justice system and the sources of public aid available for the caretakers of children with incarcerated parents. In addition, the Children's Resource Center is requested to investigate sources of private foundation funding for the printing and dissemination costs of the material and to develop a plan for dissemination through local departments of social services, schools, and General and District courts. The Children's Resource Center is to report on the status of the project to the Commission on Youth in November 1993.

The Department of Social Services, in collaboration with the Department of Corrections, is requested to develop an informational packet for inmates explaining state custody laws and foster care. This information should be distributed through the local courts, jails, and prisons.

Training for Service System Professionals:

The Departments of Social Services, Education, Corrections, Youth and Family Services, and Mental Health, Mental Retardation and Substance Abuse Services are requested to develop and deliver in-service training to promote the awareness of the impact of parental incarceration on children.

Service Delivery:

Fund a "case advocate" program in selected localities that would pilot model law enforcement procedures, information dissemination techniques, professional training and linkage of children of incarcerated parents and their caretakers with community resources.

The Commission on Health Care, in collaboration with the Secretaries of Public Safety and Health and Human Resources, is requested to formulate a strategy to improve the availability and accessibility of medical services to pregnant inmates in jails and prison facilities.

The Executive Management Council of the Comprehensive Services Act is requested to incorporate parental incarceration as a risk factor affecting children as it applies to the Comprehensive Services Act initiative as well as additional prevention/early intervention programs funded by the child-serving agencies participating in the Act.

Policy Revision:

The Department of Social Services is requested to amend their Child Support Enforcement Procedures to exclude inmates, who prior to incarceration were the primary custodial parent, from receiving Administrative Support Orders while incarcerated.

The Department of Criminal Justice Services is requested to develop standards for law enforcement officers dealing with the identification of minor children and the handling of emergency placement of these children when arresting their parents.

Further study should be conducted on the issue of legal custody and entrustment of children to caretakers as a result of parental incarceration.

The "Consent to Exchange Information Form" shall be used by those agencies working with the incarcerated parent and their children.

IV. Study Goals and Objectives

On the basis of the requirements of HJR 218, the following study objectives were presented to the Treatment Subcommittee for their consideration:

- Determination of how many minor children in Virginia have a parent who is incarcerated either in a jail or prison setting, and within that population determine how many minor children have parents who are their primary caretaker incarcerated in a jail or prison setting.

- Identification of the unique challenges and strengths of children whose parents are incarcerated.

- Identification of State and national programs, in both institutional and community settings, that are designed to meet the needs of children whose parents are incarcerated.

- Determination of the degree to which the presence of the minor children of the offender impacts the criminal justice system's processes from the point of arrest through release or parole.

- Determine if existing state statutes and policies encourage the provision of support to meet the needs of children whose parents are incarcerated.

- Determine if changes in legislation, policy or programs are necessary to support the children of incarcerated parents.

In response to the study objectives, the Commission undertook the following activities:

- Conducted a national literature search on the issue from data analysis, child developmental theory, program development and evaluation perspectives;

- Conducted telephone interviews with 29 nationally identified model programs;

- Attended national conferences addressing the issue of children of inmates;

- Convened a group of state experts to provide guidance and oversight to the study (see Appendix B for participants);

- Researched state and federal guidelines on eligibility criteria for public assistance;

- Met with representatives of the Departments of Correction, Social Services, Education, Mental Health, Mental Retardation and Substance Abuse Services to discuss agency policies and practices as they relate to the study population

- Conducted a survey of sample local Departments of Social Services foster care units;

- Conducted a survey of law enforcement officers;

- Contacted local program providers;

- Met with spouses and children of incarcerated individuals;

- Toured the Women's Correctional Center at Goochland and interviewed inmates;

- Conducted research to estimate the number of children in Virginia who have incarcerated parents; and

- Developed administrative and legislative recommendations to improve the accessibility of services to children with incarcerated parents.

V. Background

House Joint Resolution 218 directed the Commission on Youth to conduct a comprehensive study on the needs of children whose parents are incarcerated based on a supposition that parental incarceration is a barrier to a child's healthy development. The resolution cited the absence of any Virginia-specific research on the needs of this segment of the population. Also cited was the absence of information on the number of children impacted by and the consequences of parental incarceration.

In 1991, the Virginia State Crime Commission was authorized to conduct studies on the conditions of incarcerated women in state and local correctional facilities (HJR 422) and the means of reducing recidivism among inmates through family and community ties (HJR 429). At the end of their initial year of study, the Crime Commission concluded that children of inmates have special needs.

While the issue of the needs of children whose parents are incarcerated has very recently gained attention in the correctional field, there is limited national information and no Virginia-specific data on this population. However, there is a wealth of information on the effects of parental separation, economic deprivation and social stigma on the development of children, and it was from this material that the Commission on Youth based its recommendations.

A. National Studies

In 1977, R. Glick and V. Neto published the results of their study, National Study of Women's Correctional Programs, which examined backgrounds and programs addressing the needs of female offenders. Data was collected through questionnaires from a sample of over 1,600 female inmates housed in 15 state prisons and 42 local jails across 14 states. Their study found that "contrary to popular belief, it is not true that 80% of all female inmates have children that they are responsible for." Their research indicated that actually only 55% of all female offenders were caring for their minor children prior to their imprisonment. Another study finding was that "prior incarceration greatly increased the chances that a woman did not have her children living with her at the time of the offense for which she was incarcerated." Thus, women in the "revolving door" of criminality were less likely to be caring for their children prior to the last committing offense.

Brenda McGowan and Karen Blumenthal published what is probably the most cited piece of research in this area. In 1978, Why Punish the Children was published under the direction of the National Council on Crime and Delinquency. Surveys were sent to all correctional facilities in the United States and Puerto Rico that housed at least 25 female inmates 16 years old and older. Responses on the status of inmate mothers and their children were received from 46 institutions. From their findings, it was estimated that 65% of the total female population were mothers of minor children. "Admittedly," McGowan and Blumenthal point out, "it is very difficult to assess the reliability and validity of their findings due to the lack of any independent sources of data on this population." The National Council is in the process of conducting a follow-up study to this 1978 work. A draft is expected out in late fall of 1992.

Parents In Prison: A Comparative Analysis of the Effects of Incarceration on the Families of Women and Men was published in 1983 by Linda Koban. Male and female offenders incarcerated in Kentucky prisons were questioned about their family life prior to incarceration, family contact since incarceration, and plans following their release. Many of Koban's findings on female offenders reflected the findings of other studies. However, since she also investigated the family status of male offenders, she produced new data in the field. Koban found that 56% of the men in prisons were fathers, 25% of whom had been living with their children prior to incarceration. Another finding was that "61% of the men's children remained with their mothers in an environment that they deemed to be basically unaffected by the incarceration." However, only 25% of the women's children remained in a stable household with a continuous primary caretaker. Concerning child / parental reunification, Koban found the "most significant factor determining reuniting was the pre-prison placement of the child."

The Female Offender, What Does the Future Hold was published by the American Correctional Association in 1990. To produce this report, female residents of over 400 Federal Bureau of Prisons facilities located throughout the United Sates completed questionnaires. The results of this study support previous findings with respect to the number of female inmates who are primary caretakers of minor children at the time of incarceration.

The American Bar Association is in the initial phase of a three-year study entitled Children on Hold: What Happens When Their Primary Caretaker is Arrested?. Funded by the Administration on Children, Youth and Families, this study is examining system wide responses to children whose parents are arrested and incarcerated. Issues they plan to address are: statutes, policies and protocols, the current state of emergency and long term placement of children, visitation arrangements, and collaboration between law enforcement and child protective services. Their draft survey results are expected in January of 1993.

B. Description of Virginia Children

Children with Incarcerated Parents

There are no definitive answers regarding the number of children in Virginia with incarcerated parents. This lack of information is partially the result of there being no specific agency that is charged with tracking this population. Law enforcement and correctional agencies that have access to information regarding the inmate, are not responsible for the family of the offender. Law enforcement does not compile information on the family members of arrestees and correction asks information on dependents only (which could include parents and spouses as well as minor children). In order to derive some estimate of the number of minor children with incarcerated parents, the Commission extrapolated from the national studies cited above and applied the findings to Virginia's population. (For additional details on composite analysis see *Appendix C.*)

Using the extrapolated estimates, from the eight national studies, a mean average calculation was derived and applied to Virginia's prison and jail population. Figures were calculated for the minor children of offenders held in prison, jail or pre-release facilities who had been living with their parent prior to incarceration. The same method of analysis was applied to adults on community supervision; however, there has been no national studies on this population to ascertain if the same percentages hold true.

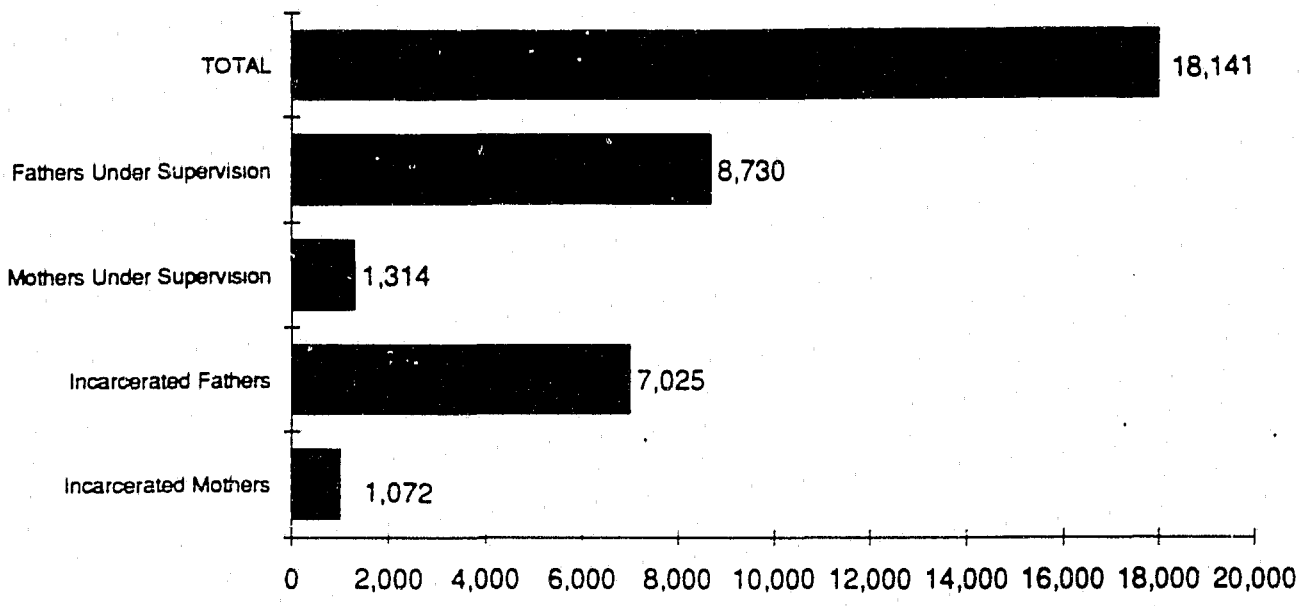
Calculated mean averages show that 76% of the female inmates are mothers and 56% of the male inmates are fathers. However, these numbers decrease when the presence of only minor children is considered. Of the female inmates, 69% have minor children while 54% of the male inmates were fathers of minor children. When considering the number of minor children who lived with their parents prior to incarceration, the figure drops further to 50% of female inmates and 25% of male inmates. Inmate mothers average 2.3 and male inmates 1.6 minor children living with them prior to incarceration.

Using a point in time analysis (June 30, 1992), there were 67,700 persons under some form of correctional supervision in Virginia. Specifically there were 30,242 adults incarcerated in jails, prison and pre-release facilities. Male offenders accounted for 28,099 (93%) and females 2,143 (7%) of the population. Under probation and parole supervision there were 22,898 and 10,030 individuals respectively. As of May 31, 1992

there were an additional 4,622 adults under Community Diversion Incentive Program (CDI) supervision.[2]

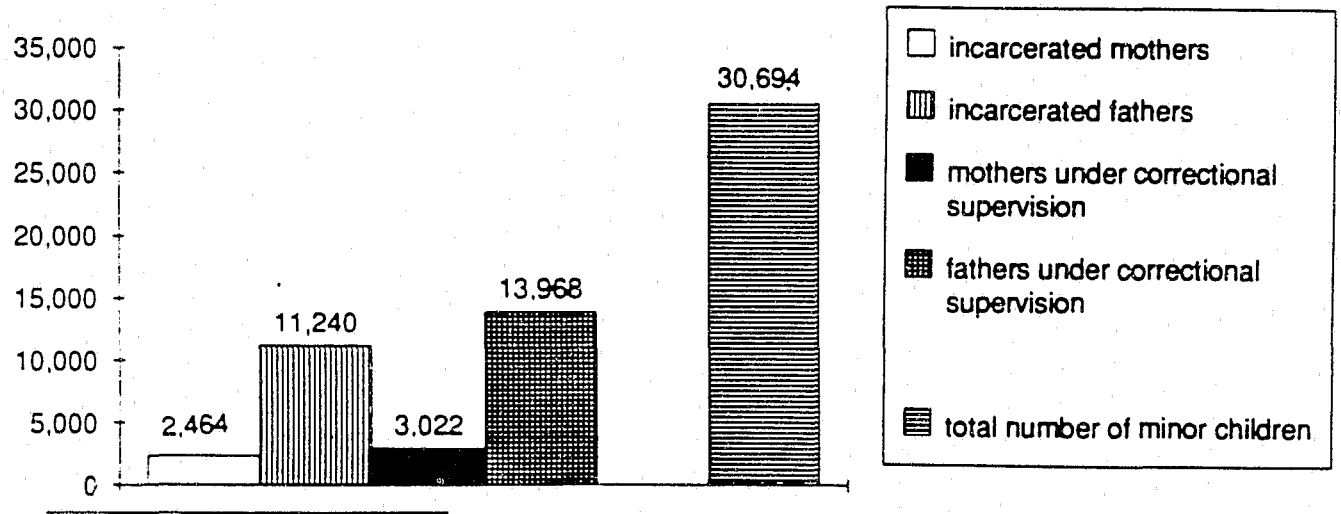
Applying the mean calculations to Virginia's correctional population yields the following estimates:

Table 1. The Number of Virginia Parents Under Correctional Supervision



What is known about the children themselves can also be extrapolated from national research and applied to Virginia's numbers. Over 46%, or 1,122, of the children of inmate-mothers are between seven and twelve years old. Children of inmate fathers between seven and twelve years old account for 43% of the population or 4,838 young people.

Table 2. The Number of Minor Virginia Children with Parents Under Correctional Supervision



[2] Felon Analysis and Simulation Tracking Files Confined June 30, 1992 (Virginia Department of Corrections); Population Summary of Local Correctional Facilities July 7, 1992, "Tuesday Report" (Virginia Department of Corrections); probation, parole and CDI population data provided by the Division of Community Corrections, Virginia Department of Corrections.

The majority of the children of incarcerated fathers tend to remain living with their mothers, while slightly over one-third of the children of inmate mothers live with their grandparents.

Children in Foster Care

The national studies place between six and twelve percent of children with incarcerated parents in foster care. To determine these statistic's applicability to Virginia, the Commission sampled 17 local departments of social services that account for 65% (6,400 youth in FY 91) of the total foster care caseload in Virginia. There was a 59% response rate capturing 49% of the state's total foster care caseload. Therefore, the results can be seen as representative of the foster care system in the state. The survey revealed:

- 3,132 children are served in foster care by the 10 jurisdictions responding to the survey;

- 2,228 children were placed in foster care this year in the 10 jurisdictions;

- 231 (7%) children in foster care have incarcerated parents;

- 51 of these 231 children were placed due to parental incarceration;

- 146 parents were incarcerated during their child's placement in foster care;

- 37 parents were incarcerated due to abuse and/or neglect charges;

- other reasons given for foster care placement are:

  71 abuse / neglect (no specification given)
  36 lack of supervision
  24 substance abuse resulting in neglect
  15 incarceration, no other caretakers
  15 molestation of child
  10 abandonment
  9 entrustment
  3 beyond parental control
  1 violation of a court order
  1 terminal illness;

- 47 of the 231 children with incarcerated parents, visit their parents. (The majority of these visits are arranged by foster parents and foster care workers.); and

- 29 hearings on termination of parental rights were held, resulting in 23 terminations.

Children on AFDC

National studies also indicate that children of incarcerated parents are at a high risk of entering poverty as a result of the incarceration. For many children, this necessitates an application for public assistance. Virginia's Aid For Dependent Children lists parental incarceration as a specific deprivation factor for eligibility. According to a point in time analysis (September 1, 1992), there were 1,597 AFDC cases representing 2,496 children who were on the AFDC rolls due to parental incarceration. The current AFDC caseload is estimated to be 70,000 with 2.6 persons per case. Reimbursements average $99 per month per child. Given the recent caseload figures the **monthly cost** of AFDC for children of incarcerated parents is **$247,104** with an **annual cost** of **$2,965,248**.

The age of the children, their relationship to the caretaker and the geographic distribution of AFDC recipients whose parents are incarcerated parallels that of children with incarcerated parents who do not receive public assistance.

Table 3. Relationship of AFDC Children to Caretaker When Parent is Incarcerated

Relationship of Caretakers	Total Number in Virginia With This Type of Caretaker *
Other Parent	1,888
Grandparent	339
Aunt / Uncle	152
Other Relative	26
Stepparent	9
Sibling	6

**Relationship information was missing in 9 cases.*

Table 4. Ages of Children on AFDC in Virginia Due to Parental Incarceration

Ages of Children	Number in Age Group (% of Total)
0 - 2 years	386 (15%)
2 - 7 years	934 (37%)
7 - 12 years	713 (29%)
12 - 17 years 11 months	463 (19%)

C. Children's Needs in a Criminal Justice System Context

It is well documented that parental absence by itself has negative effects on the emotional well-being of children. Some children of single parents have been found to develop tendencies toward lower self-esteem, lower achievement motivation, and lower tolerance for delay of gratification; to demonstrate poorer conscience development, peer relations, and social adjustment; to be more anxious and too dependent on their parent; and to exhibit a higher incidence of rebelliousness, juvenile delinquency, aggressive acting-out, sex-role conflicts, homosexuality, neuroses, drug addiction, alcoholism, suicide, depression, and schizophrenia (Roy and Faqua, l983).

Children of incarcerated parents tend to exhibit greater tendencies toward developing the numerous problems that accompany other types of parental absence. In addition, these children have to contend with variables that are not normally associated with parental absence, such as social isolation, guilt involved in having a parent incarcerated, deception that surrounds the explanation of incarceration, and the social stigma attached to parental incarceration. The social stigma attached to having a parent incarcerated appears to be the most damaging variable, as it causes isolation from the community, peers, and in some situations even the extended family (Hannon, Martin D., & Martin M., 1984). These external sanctions are not usually associated with other types of parental absence and further puts the child at risk of developing emotional disorders (Sack, Seider, Thomas, 1976).

Research indicates that children react, emotionally and behaviorally, different according to their developmental stage. However, withdrawal is a common response for all children who face parental separation. Children in their pre-teens and teens often act out in antisocial ways. Stealing, truancy, etc., are considered to be attempts at gaining their parent's attention, and possibly at identifying with their incarcerated parent (Sack, Seider & Thomas, 1976).

In addition to the psycho-social disorders associated with parental absence, children of incarcerated parents also suffer academically. "Researchers have found that sons of prisoners are often rated below average in academic and social functioning, and that daughters of male prisoners exhibit lower functioning skills than the sons." (Eckland-Olson & Sheldon, 1983)

The incarceration of a parent is associated with numerous problems that affect children.[3] Although some of the problems that children face persist throughout the parents incarceration, most problems are attributed to or encountered at specific crisis times. The crisis times include 1) Arrest and Pre-trial, 2) Sentencing, 3) Incarceration, 4) Parole Hearings, and 5) Release and Reunification.

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[3] Criminal activity which is directly related to parental behavior (i.e. child abuse and child homicide) have additional levels of child trauma For some families the removal of a parent is an asset to the child's well-being. The specific dynamics of parental incarceration stemming from abuse / neglect and/or child homicide is beyond the scope of this report.

Arrest and Pre-Trial

Arrest of a parent creates tremendous stress for children and can be especially traumatic if the children actually witness the arrest. At the time of a parent's arrest, the family is often unprepared to make the important decisions that immediately follow. Family members frequently suffer from denial, even if they are aware of the defendant's criminal activity. The initial concern at the time of arrest is providing for immediate care and shelter for the minor children. Mothers will frequently not inform arresting officers that they have children. Incarcerated parents will usually make their own child placement arrangements due to the fear and distrust that many offenders have of the legal processes involved with child custody (Rosenkrantz & Joshua, 1982). Therefore, child placement often occurs without the involvement of child welfare professionals. Most incarcerated mothers rely on their extended family to take over as primary caretakers for their children. Grandparents most often are called upon to fill this role, especially if the incarcerated parent is a single parent. According to national studies, race is a factor that influences child placement. Black children are more often placed with their grandparents than white children. In contrast white children tend to have a greater chance of living with their natural father or non-relatives (Baunach, 1985).

In Virginia, arresting officers are not required to ask the accused if he/she has minor children. Surveys distributed to a sample of local sheriff's offices indicate that if the arrest takes place away from the home, most law enforcement officers do not routinely ask if there are minor children. The parent must volunteer this information and request assistance. If the minor children are at school at the time of the arrest and the parent does not inform the law enforcement officer of the need to make arrangements, the children are left to fend for themselves. If requested, the arresting officer will assist the parent in contacting someone to temporarily look after the child. The person usually contacted is a member of the immediate or extended family. If the arresting officer is unable to contact an individual approved by the accused parent, he will then contact a representative from the department of social services who will arrange for the immediate short-term care of the child. Very few of the children with incarcerated parents end up in foster care. According to our survey, only 7% of the children in foster care have incarcerated parents and only 1.6% were placed there due to parental incarceration.

The caretaker must then decide how to explain the parent's absence. A common response is to give a vague or general explanation; this is especially true with regard to younger children (Lowenstein, 1986). A factor found to influence the decision of what is told to children is the neighborhood in which the parent / caretaker lives. In neighborhoods where having a parent incarcerated is the exception, and therefore a large amount of social stigma is attached, deception is more common. However, in neighborhoods where parental incarceration is frequent, and therefore little social stigma is attached, children are more often told the truth (Schwartz & Weintraub, 1974; and Hannon, Martin D., & Martin M., 1984). Research (Wilmer et al, 1966) has suggested that deception about parental imprisonment plays a part in some children's inappropriate acting out and delinquent behavior (Hannon, Martin D., & Martin M., 1984).

Sentencing

Sentencing often shatters the illusions of not being prosecuted previously held by offenders and their families. The lack of clear and predictable time frames regarding sentencing decisions adds to the child's sense of lack of continuity and stability. Temporary parental separation may become extended, or in some cases, permanent. Issues of child placement, explanation of separation, and overcoming financial difficulties are additional stresses for the children and caretaker. The families of offenders are usually unprepared to successfully cope with these issues.

In Virginia, the presence of minor children is not factored into the sentencing guidelines. However, given the latitude judges have in implementing the guidelines, coupled with the fact the Commonwealth does not have mandatory sentencing guidelines, judges can exercise discretion and take the presence of minor children into account in sentencing defendants. The Commission received anecdotal information on the consideration of the presence of minor children in sentencing decisions. In general, cases where a woman convicted of a minor crime has minor children and the judge is made aware of these children through the pre-sentence report, they will tend not to order incarceration. However, Virginia's sentencing guidelines do not expressly call for the consideration of minor children in sentencing decisions. In 1991, out of the 7,971 departures from the guidelines, "the offender provides support to a dependent family member" was cited only 15 times. There are currently seven states in which the presence of dependent children is a factor the judge is to consider when sentencing. Reasons for departure from the guidelines are codified in some states and two of those states expressly prohibit aid to any dependent as a factor.

Incarceration

Parental incarceration is made more difficult for children when the mother is incarcerated, as most often mothers are the primary caretakers. Child placement is a lesser issue when a father is incarcerated. In most cases the mother will continue to care for the child while the father is in prison (Fishman, 1983). However, there is a financial impact when the family's bread-winner is incarcerated. Roy and Fuqua (1983) report that loss of income due to a father's absence has a significant effect on a child's academic performance. Also, some families are forced to relocate for economic reasons (Fishman & Cassin).

All of the research reviewed indicates that visiting between the incarcerated parent and their child is beneficial (Barry, 1985). The data suggests that frequent contact between children and their incarcerated parent helps in the reunification process (Hairston & Hess, 1989). Studies suggest that visiting is especially helpful for children as it eases their fears about their incarcerated parent's health and welfare. Visiting also reassures children that their parent did not abandon them. Unfortunately, the first visit is usually the best, in that it calms the child's initial fears, while further visits are not as satisfying due to the stressful environment in prison visiting rooms

(Fishman & Cassin, 1981). Most prison visiting rooms are not designed to accommodate children's attention spans or behavior.

Most of the child visitation literature deals with the incarceration of the females, despite the fact that the overwhelming majority of parents in prison are male. Mothers are less likely to be visited by their children than are fathers. This is partially an outcome of the fewer numbers of correctional facilities for women and those which do exist are in remote areas, making transportation a barrier to frequent visits. Female inmates also face resistance and lack of cooperation on the part of the new primary caretakers (Gaudin, 1984).

Children who are placed in foster care are neither encouraged nor discouraged from visiting their incarcerated parent. Arrangements have to be made by either the foster care worker or the foster parents. This often creates logistical barriers for regular contact with the incarcerated parent. For incarcerated parents with children in foster care, the lack of accessibility of treatment services in correctional facilities impairs their ability to fulfill the expectations delineated in the foster care plan. While incarceration is not in-and-of-itself a reason for termination of parental rights, incarceration impacts a parents' ability to participate actively in reunification plans. The sample survey of local departments of social services did not indicate incarcerated parent's rights were terminated any more frequently than in other foster care situations.

Parole Hearings

Families that maintain contact with the inmate, use the date of parole hearings as a milepost against which the duration of separation is measured. When the inmate is up for parole, as with sentencing decisions, the presence of minor children for which the inmate bore primary responsibility prior to incarceration is not routinely taken into consideration. The denial of parole at the inmate's first hearing forces the family to adjust their time frames for reunification as well as deal with their frustration and disappointment. For younger children who have a limited concept of time, the denial of parole is particularly difficult.

Release / Reunification

Visiting patterns between inmates and their children are particularly important in reuniting families. Koban reports that "frequency of visits was one of the most relevant factors in predicting whether a resident planned to reunite with his or her children" (Hairston, 1991). The period of time directly following the inmate's release can be a difficult time for offenders and their families. Offenders and their families tend to develop unrealistic expectations about the lives they will resume when they are reunited. This is especially true for offenders since the characteristics of prison life invite one to fantasize about past relationships. The offender is often unable to look at the negative aspects of their past relationships "which often leaves them poorly prepared to resume life on the outside" (Sack, Seidler & Thomas, 1976).

When fathers are incarcerated, their children are more likely to stay with their immediate family. Therefore, they have a greater chance of returning to an intact family than incarcerated mothers. Reunification has additional obstacles for the female inmates, since the children of female inmates are more often placed with their extended family. Women also face the additional problem, that in some cases the relatives who have been caring for their children are unwilling to relinquish the children (Caroll, 1980; Fishman, 1983).

Incarcerated parents also go through an adjustment period following release that can be dangerous for children. The prison environment requires aggressive behaviors and attitudes, which are not conducive to family life. "If an inmate has a history of violence as a way of problem solving, then the likelihood that he will carry over these patterns into relationships with children and other family members is increased" (Hairston, 1985). Generational conflict and confusion, when the grandparents have been caring for the minor children, often characterize reunification efforts. Services that are available for the released inmate, pay scant attention to family dynamics. While many post-release programs offer parent training classes, they must compete against the individual's preoccupation in finding employment and shelter for themselves and family members. As with the other phases of the system, the child's response to the reintroduction of the parent is usually not the focus of the family members' attention.

For those parents who have entrusted their children to other caretakers through a formal release of custody, the regaining of custody is often a long, difficult and expensive battle. Fitness as a parent requires them to secure employment, housing and often to participate in counseling services. The balancing of the rights of the child for permanence and stability against a previously incarcerated parent's desire to raise their own child is exceptionally difficult. These cases are further complicated when recidivist parents are unable to remain out of prison or jail long enough to pursue custody proceedings to completion.

A child's reaction to parental incarceration is influenced by a variety of factors. The age of the child, family structure, support networks and ability to cope with stressful situations impact the response to parental incarceration. Table 5 summarizes the possible negative reactions to each phase of the criminal justice system from a child development perspective.

Table 5. Summary of a Child's Response to Parental Incarceration

Age of Child	Infant (0 - 18 mos)	Toddler (18 mos - 3 yrs)	Preschool (3 - 6 years)	School Age (6 - 12 years)	Adolescent (12 - 18 years)
Response to Events					
- Regression in age appropriate behaviors (C)	X	X	X	X	X
- Becomes withdrawn and non-responsive (C)	X	X	X	X	X
- Becomes fearful (A)	X	X	X	X	X
- Unable to master developmental milestones (I)	X	X	X	X	X
- Rejects incarcerated parent (A).	X	X	X	X	X
- Defies caretaker (C) (R).	X	X	X	X	X
- Directs anger at person of authority (A) (P)		X	X	X	X
- Attempts to become "perfect child" (C)		X	X	X	X
- Aggressive behavior (C) (P)		X	X	X	X
- Idolizes incarcerated parent (I) (R)		X	X	X	X
- Takes on parenting role with siblings (A)			X	X	X
- Becomes socially isolated (I)			X	X	X
- Changes peer group (I)			X	X	X
- Drug / alcohol use (I)				X	X
- Exhibits delinquent behavior (I) (R)				X	X
- Academic performance suffers (C)				X	X
- Runs away from home (C) (R)				X	X

Legend: (A) Arrest (C) Pre-trial Custody (I) Incarceration (P) Parole Hearing (R) Reunification

The responses listed above may be triggered by one of five identified phases - arrest, pre-trial custody, incarceration, parole, and reunification. Notation is made at the probable point of onset with the understanding they may persist or resurface throughout the incarceration process.

Source: Virginia Commission on Youth's HJR 218 Work Group

D. National Program Models

In order to identify national models of programs serving children of incarcerated parents, the Commission on Youth conducted a national telephone survey. Programs were identified from the "Directory of Programs Serving Families of Adult Offenders." Not all of the programs contained in the Directory provide specific services for children and, therefore, were not included. In addition, there were other national programs not included in the directory that came to the attention of the Commission and they were also contacted and interviewed. The program summary below is not exhaustive but should be viewed as a preliminary attempt to identify and summarize programs in the United States which specifically target children with incarcerated parents as their client population.

In all, 31 programs were contacted. Of these programs 12, or 38%, were located in the northeastern portion of the country (New Jersey - 1, New York - 6, Connecticut - 2, Massachusetts - 2, and Pennsylvania - 1). Nine, or 31%, were in the South (Georgia - 1, Missouri - 1, Tennessee - 2, Texas - 2, Virginia - 2, and West Virginia - 1). Four, or 12%, were in western states (California - 2, Colorado - 2) and six, or 19%, were operating in midwestern states (Indiana - 1, Iowa - 1, Michigan - 2, Minnesota -1, and Illinois - 1). (For a complete identification of programs see *Appendix. E).*

Of the programs contacted, 70% received their funding from private donations (1/3 of these agencies have religious affiliations) and are non-profit, while 10% of the programs are publicly funded and the remainder are operated as public / private partnerships. The Iowa Correctional Institution for Women and the Family Integration program, whose parent organization is the Colorado Women's Correctional Center, and Project Seek, operated by a community mental health agency in Michigan, are publicly funded. All of the programs contacted reported that they have a working relationship with the correctional facilities in their area. Although four of the programs were established before 1955, the typical program for children of incarcerated parents is a new venture, with 60% of the programs being less than ten years old. The programs provide one or more of the following services: individual and group counseling, peer support groups, role model interaction with the children, residential group homes, foster care, retreats and camping, holiday parties, child care during visits, activity centers, visiting rooms designed for children, parent education, books for both the parent and the child, agency referrals, advocacy, and emergency services such as food, clothing, transportation and housing.

The majority of programs see their primary mission as facilitating child / parent contact through the telephone and/or prison visitation. The programs that provide additional services predominately offer family counseling, different types of liaison and brokering of services, tutorial and mentor services for the children, and custody advice for inmate parents.

The primary source of referral for these services is through the inmate parent. Fifty percent of inmates learn about the existence of such programs by word of mouth from other inmates. Another 20% of inmates receives information from flyers, brochures, or books contained in orientation packets. Inmates also find out about the various programs available to them and their children by reading posters and signs in

court waiting rooms. Family members are often referred to the various programs by the courts, prison and probation employees, case workers, department of social services, and various other state agencies. In addition, 20% of the programs advertise their services through local and prison newspapers.

Half of the programs reported that they provided case management services on behalf of the children. Programs report that legal advice in crisis situations and custody issues are the most often performed services. Programs also provide aid when the children need additional assistance in school. Some programs act as a liaison between inmates and the court or school. Sixteen percent of the programs reported that their main role was to provide support groups for the families of incarcerated parents. All the programs expressed a desire to expand the services that they presently provide.

Only three programs, Pacific Oaks, Aid to Imprisoned Mothers Inc. (AIM), and Project Seek, presently compile statistical information on children of incarcerated parents. Four programs expressed the desire to be able to undertake such a task but felt that the effort required to accomplish this would take scarce funds away from service provision. However, Friends Outside National Organization of San Jose, California; The Arsenal Family and Children's Center of Pittsburgh, Pennsylvania; and The Family Integration Program of Canon City, Colorado all gather data that profile their female offender clients.

Programs that provide different services to children with incarcerated parents obviously have different perceptions of the needs of these children. For example, if a program's basic service is providing children with a peer support group, their assessment of the child's most important need will be different from a program whose main focus is to provide transportation for visiting. With that in mind, the perceptions of the programs that gave responses tended to fit into one of three categories, meeting immediate shelter concerns, preventing delinquency, or supporting reunification efforts. Sixty-five percent of the programs who gave responses identified the provision of a secure and stable environment to be a child's greatest need. Another group perceives that the prevention of further problems for children is the greatest need. These programs believe that the best way to prevent further problems for children with incarcerated parents is through education. Three programs stated that this objective could be best achieved by using role models to teach the children alternative ways to live their life. The other two programs felt this could be best achieved by teaching the children drug and alcohol awareness, and decision making skills. The remaining programs identified the greatest need is for the family to be prepared for reunificiation.

Programs identified different ways in which inmates' parental involvement could be best achieved. Classes for inmates on writing skills and how to improve communication with their children over the telephone are two examples. Other programs hold the opinion that the best way to prepare families for reunification is by providing transportation for the children to the institution in which their parent is being held.

Additional service needs identified by the programs were crisis shelters for children who do not need permanent placement outside the family, more individualized services for children, peer support groups, training sessions on life skills for children

and caretakers, improvements in the prison / jail visitation room environment, follow-up services that would help the children at different crisis periods and then continue after the parent is released.

VI. Discussion of Federal and State Policy

Federal Policy

The role of the federal government with respect to children whose parents are incarcerated falls into two areas: 1.) guidance for states as promulgated in regulations, and 2.) those mandated for state's compliance with Title IV and V of the Social Securities Act. Mandated requirements are discussed under the State Policy section.

The federal government developed sentencing guidelines that became effective in 1987. In a series of non-binding policy statements, the U.S. Sentencing Commission declares that offender characteristics (i.e., the presence of minor children) other than those related to the defendant's criminal history or role in the offense are not ordinarily considered relevant in determining whether a sentence should be outside the guidelines.

State Policy

There are seven areas of state policy that have direct bearing on services provided to children of incarcerated parents and their caretakers, they are a) receipt of public aid, b) entering into foster care, c) termination of parental rights, d) prison visitation policies, e) child support enforcement, f) definitions of at-risk children, and g) confidentiality restrictions when more than one agency has the responsibility for implementing state policy. Brief summaries of these issues are provided below:

Public Assistance

It became apparent in the Commission on Youth's deliberations that the incarceration of parents puts children at a high risk for economic deprivation. In working with direct service providers, it was acknowledged that there is tremendous misinformation in localities regarding a requirement for the caretakers to have legal custody of the children prior to being deemed eligible for benefits. While benefit programs do vary, eligibility requirements for the most frequent forms of public aid applied for by this population are determined in the following ways:

AFDC

Title IV-A of the Social Securities Act and §63.1 of the *Code of Virginia*, require the AFDC program be administered according to statutes and policies established by the State Board of Social Services. The intent of the program is to provide financial assistance to children and their parent(s) or other relative(s) who meet the financial and categorical eligibility requirements.

To be eligible for assistance, the child has to be living with a specified relative (there is an exhaustive list that includes grandparents, step-parent, foster parents, aunts, uncles, etc.) and are deprived due to death, incapacity, continued absences or unemployment of at least one parent. *The child does not have to be in the legal custody of the caretaker to receive benefits.* Whether the parent (or caretaker) is eligible to receive benefits is determined separately from the child. Financial eligibility is met if the family's resources are not in excess of $1,000 and income is below maximums, based on family size. The payment level is based on 90% of "standard of need", the computed cost of living. Virginia has grouped localities into three payment groupings based on differential costs of shelter in different parts of the state.

Federal reimbursement rates are based on the state's per capita income. Virginia receives the minimum reimbursement rate of 50% for benefits and administration. In turn, localities are responsible for 20% of the total administrative costs.

Food Stamps

The Food Stamp Act of 1977 established a system in which low income individuals and families would receive coupons that can be redeemed through participating grocery stores.

A household's eligibility and coupon allotment are based on household size and income. A household is not eligible if their income is 130% of the federal poverty level. There are no categorical requirements for this program and a household is the unit of income measurement. *The child does not have to be under the legal custody of the household members.* The coupons are funded with 100% federal moneys. Administrative costs are reimbursed at 50% with 30% of the costs borne by state funds and the remaining 20% of administrative costs picked up at the local level. Ninety percent of the AFDC population receives food stamps.

Medicaid

This is a jointly, federal and state, funded program that pays for medical services for poor individuals. The program offers federally mandated services and once a state opts to cover a certain group of individuals, it must offer all mandated services in the Medicaid plan.

As an entitlement program, Medicaid must provide services to all who are found to be eligible. The federal mandates require the coverage of "categorical" needy persons, which includes AFDC recipients. This category also covers individuals up to the age of 21 who are in foster care or subsidized adoption programs. Recent federal mandates have targeted children and pregnant women. Eligibility is re-evaluated every six or twelve months depending on the enrollee's eligibility classification. The current rate of federal reimbursement is 50% of program costs.

Children are eligible by federal and state mandates (see below) but the caretaker is not necessarily eligible. The caretaker's income is determined separately and the inclusion of other children is not calculated into the household expenses unless they are "legally responsible" for the children, i.e., they have adopted the child. Caretakers with legal custody of the child are not considered legally responsible for the child. The caretaker's eligibility for Medicaid is not affected by the caretaker responsibility.

Specific child eligibility (federal mandates):

- Child under 1 year of age - no application needs to be made but infant must be living with mother who has been enrolled prior to delivery of child. Mother's income must be below $1,019 a month.

- Child under the age of 6 - *The relationship to the caretaker is not a factor in eligibility.* Income level of caretaker has be below 133% of poverty level. Verification of age, citizenship and social security number must be made.

- Child between the ages of 6 to 13 - (State law) Child's income level must be 100% below poverty level: As of July 1, 1993, coverage will be extended up to the age of 19.

While many pregnant inmates are eligible for Medicaid, the correctional system has been unable to keep pace with the influx of female inmates by way of providing adequate levels of gynecological and obstetrics services for them.

WIC

This is a federal grant-in-aid program designed to supplement diets and nutritional needs of identified priority populations. Pregnant women and women with infants with medical needs are the top two priority areas out of seven identified areas.

Women and their children, up to age five, are certified as eligible through a diet screening process conducted at local health clinics. Eligible recipients are provided WIC checks that are redeemable for specific items at participating grocery stores. *A child's relationship to their caretaker is not a factor to eligibility.* However, there have

been problems in providing WIC supplements to pregnant inmates and in tracking the infant who was delivered by an inmate and then placed in the community.

Foster Care

Specific requirements for Virginia's foster care program are set forth in both federal (PL. 96-272) and state law (§16.1-281). The requirements include services to prevent the unnecessary removal of children from their homes, and placement of children. Child placement is to take into account the child's special needs, and the facilitation of visitation and communication between parent and child. The Department of Social Services does not currently have a policy that specifically addresses the parental incarceration of children in foster care. However, all children who are in foster care must have a Service Plan submitted to the Juvenile and Domestic Relations Court and the foster care worker must involve the parents in developing the plan. The plan must address visitation and services that will be provided to parents to facilitate the child's return. However, once the parent is incarcerated, the Department of Social Services no longer provides services to the parent during the period of incarceration in either a jail or prison setting. This delineation of agency responsibilities has resulted in incarcerated parents being unable to work towards family reunification goals, thus leaving the child in an extended foster care placement.

Termination of Parental Rights

The Department of Social Services may terminate residual parental rights based on clear and convincing evidence as set forth in §16.1-283. Parental incarceration is not included in policy as a reason for terminating parental rights. Two Court of Appeals cases decided in 1991 affirmed that incarceration, in and of itself, is not cause to terminate parental rights. However, there are situations in which the parent refuses to avail themselves of services that are required by the foster care plan and are available in the correctional setting. This refusal to participate in treatment can be cited in the termination hearing. There are no current *Code* provisions which specifically discuss the impact of parental incarceration regarding termination of parental rights.

As has been previously stated, many incarcerated parents fear losing permanent custody of their children. There are four forms of custody exchange that can occur when a parent is incarcerated. The first and most frequently relied upon method, which has no legal standing, is an informal, unwritten agreement for an individual of the parent's choosing to agree to look after the child. The person placed in the caretaker role may then act on behalf of the parent but is not recognized as being legally responsible. Permission for the child to receive treatment, for emergency medical care, etc., must still be given by the parent. Secondly, entrustment agreements are for a specified period in time and the parent transfers decision-making responsibility to the caretaker. The third form, legal custody, can be granted by a court order and the caretaker is able to assume the rights and responsibilities of a parent. However,

adoption of the child is the only way in which a caretaker becomes legally responsible for the welfare of the child. Too often children of incarcerated parents are placed in limbo because of the unclear or unspecified custody arrangements made on their behalf.

Prison Visitation Policies

The *Code of Virginia* assigns the Department of Corrections the responsibility to establish procedures for visitation policies in adult institutions (§53.1-10, §53.1-25, §53.1-30, §18.2-474, §18.2-474.1, and §18.2-473). These policies attempt to strike the balance between facilitating contact with the inmate's family and maintaining institutional security. All institutions must post their visitation rules and distribute brochures describing these rules to inmates. Limitations on the length of visits and the number of people allowed to visit are determined individually based on the demands made of the visiting room on visiting day. All visitors, regardless of age, are subject to search by an electronic scanning device and/or a pat-down search. Visitors must dress appropriately with respect to length of dress and the wearing of certain clothes and undergarments. Visitors are allowed only to bring into the visiting room their visiting pass. Personal keys, diaper bags, children's toys and books are not allowed. Embracing and kissing are allowed only at the beginning and end of each visit.

Jail visitation policies are developed through the Department of Corrections Minimum Standards for Local Jails and Lock-Ups as provided for in §53.1-68. The standards require that jails provide the maximum number of opportunities for visitation as are feasible dependent upon the facility's schedule, personnel, and space resources at a given time. While there is much variation across jails, many jails have a physical barrier between the inmate and visitors. Few metropolitan jails, due to their over crowding, allow physical contact between the visitor and inmate.

Child Support Enforcement

Currently the *Code of Virginia* in §63.1-251 states that the receipt of public aid constitutes a debt to the state. For families who receive public aid because of parental absence (incarceration is considered a form of parental absence according to AFDC eligibility requirements), the name of the absent parent is immediately forwarded to the Child Support Enforcement System operated by the Department of Social Services. Child Support Enforcement then attempts to locate the parents in order to receive payment from them. If the parent is located, they receive an Administrative Support Order requesting them to reimburse the state. Incarcerated parents receive these orders while in prison and, occasionally, while in jail facilities. The debt accrues throughout incarceration and once released, their wages, if employment is secured, are garnished. For many parents the receipt of an Administrative Support Order has caused tremendous frustration and anger and has resulted in their requesting the caretakers to remove their children from the AFDC roles. Some inmates report that the

Support Orders serve as a disincentive to find employment upon release because they will "make more money" if they go on public assistance themselves rather than work at a job where their wages would immediately go into paying back a debt resulting from their children receiving AFDC during their incarceration.

At-Risk Definitions

Every child-serving agency in the state has, over the last five years, developed working definitions of "at-risk" children. These definitions are found in agency policies and are often influenced by federal regulations. There are variations in the roles these definitions play for the agencies. They may serve to identify target populations for specific funding and/or program initiatives, provide guidance for program development in the prevention and early intervention components of the agency's activities, and help support the agency's mission. However, most agency at-risk definitions that drive eligibility for service, are couched in terms of the specific services they provide, i.e., education defines at-risk in the context of academic failure; social services in terms of economic self-sufficiency, foster care and abuse or neglect; youth and family services in terms of delinquency; health in terms of physical capacity; and mental health /mental retardation and substance abuse services defines risk in terms of mental adjustment and psychological capacity. Even the Comprehensive Services Act defines at-risk in reference to a specific outcome it is trying to avoid (i.e., out-of home placements). While this Act references many factors that place the child at risk, the target population for services is defined by their propensity for placement.

Many of the risk factors that are identified by the child serving agencies often overlap. Poverty, family dysfunction, and substance abuse in the family are all usually mentioned as risk factors. However, parental incarceration is rarely identified as a risk factor, although it is a prevalent dynamic in the lives of children who are defined as at-risk for other reasons.

Confidentiality

There are general provisions in the *Code of Virginia* to guard against the unauthorized release of information about individuals. Specifically, the Privacy Protection Act, §2.1-377 et seq. and selected code citations, set parameters on what information agencies can share. (An index of state and federal confidentiality statutes is provided in *Appendix H.*) However, educational, human service and correctional agencies have long recognized the need to share information to better respond to the clients they serve. This past spring, the Secretaries of Economic Development, Education, Health and Human Resources, and Public Safety and their respective agency heads signed a Memorandum of Understanding to use a "Consent to Exchange Information" form. The purpose of this form is to better assist agencies in obtaining information needed from other agencies in order to determine eligibility and develop service plans. In developing this Uniform Consent Form, it was noted that, "... efforts to

safeguard information should not necessarily restrict client's access to services when state and federal laws allow for the appropriate exchange of information."[4] Although this agreement has been in place since the summer, we could find no instance in which corrections staff routinely contact providers in the community (either in the school or other community settings) to inform them of the status of the incarcerated parent.

VII. Findings and Recommendations

Findings

1. There currently is no information gathered in Virginia on the number of children whose parents are incarcerated.

2. The absence of any data has contributed to a general lack of awareness of the prevalence and needs of children whose parents are incarcerated.

3. Institutional and community correctional staffs do not routinely share information with educational / human service personnel who have on-going contact with the children and their caretakers.

4. The absence of reliable data on the prevalence of children with incarcerated parents impairs the Department of Correction's ability to incorporate the role of the family in developing treatment services, visitation policies, and parole services.

Recommendation #1:

The Department of Corrections is requested to develop a mechanism to accurately gather information on the number of inmates in both prison and jail settings with minor, dependent children. The Department of Corrections is further requested to report on their plans to collect this information to the Commission on Youth in November 1993.

Discussion - By knowing the number of inmates with children, the counselors in correctional facilities can better plan for and address parenting issues; visitation policies could be amended; and release services could be more responsive to family concerns. This information on the jail population is also necessary to enable the development of community-based program planning for these children.

The Department of Corrections will need to review their current data collection instruments and develop new procedures based on their determination of the best

[4] Teleconference written material, "Confidentiality and Collaboration: Working Together With the Clients We Share", July 10, 1992.

place in the system to capture these numbers. Their implementation plan should address the need for data collection in order to effect programming on both an institutional and community level.

Findings

5. Children with incarcerated parents rarely understand the phases of the criminal justice system and are provided information of varying accuracy.

6. By meeting the needs of the caretaker, with respect to the provision of information, service brokering and financial support, the children's needs are also supported.

7. Caretakers of children with incarcerated parents are often unfamiliar with the phases of the criminal justice system thus impairing their ability to explain things to the children.

8. Probation and parole staff do not routinely provide the caretakers of children with incarcerated parents with information regarding services available to them.

9. Caretakers of children of incarcerated parents are often unaware of the public assistance that they are able to receive.

10. Inmates do not routinely receive information which explains Virginia's custody laws.

11. There are insufficient parenting resources for inmates.

12. The service professionals who are involved with the children of incarcerated parents are often unfamiliar with the phases of the criminal justice system.

Recommendation #2:

The Children's Resource Center, in cooperation with the Departments of Social Services, Education, Mental Health, Mental Retardation and Substance Abuse Services, Corrections, Youth and Family Services, Health and local law enforcement and prison visitation services, is requested to develop age-appropriate material for children of incarcerated parents that explains the various phases of the criminal justice system. In addition, the Children's Resource Center is requested to investigate sources of private foundation funding for the printing and dissemination costs of the material and to develop a plan for dissemination through the schools, local departments of social services, Circuit and District courts, jail and correctional facilities, and law enforcement agencies. The Children's Resource Center is further requested to report on the status of this project to the Commission on Youth in November 1993.

Discussion - A factor contributing to children's stress when a parent is incarcerated is the uncertainty, confusion and lack of information regarding what is happening, the time frames in which things will occur, and the possible consequences of each phase of the system. Providing age-appropriate, accurate, and understandable information that describes the role of the police and judges, conditions of confinement, and visitation policies have been found to be very helpful in other states. There is currently no material available on a statewide basis that explains these issues to children. A number of private foundations have identified this as a problem and have targeted specific funds to aid in information dissemination.

Recommendation #3:

The Children's Resource Center, in cooperation with the Departments of Social Services, Corrections, Youth and Family Services, and local law enforcement agencies are requested to develop information packets on the phases of the criminal justice system and the sources of public aid available for the caretakers of children with incarcerated parents. In addition, the Children's Resource Center is requested to investigate sources of private foundation funding for the printing and dissemination costs of the material and develop a plan for dissemination through local departments of social services, schools, and General and District courts. The Children's Resource Center is to report on the status of the project to the Commission on Youth in November 1993.

Discussion - Caretakers are often unfamiliar with the criminal justice system and are unable to explain things to the children. In addition, factors influencing eligibility for public assistance are not widely understood. Poverty tends to be the greatest risk factor for children and many are forced into poverty as a result of parental incarceration. The child's caretaker needs accurate information regarding their responsibilities and what sources of support are available for the children. Private foundation funds have been identified and may be available to aid in the dissemination efforts of the project.

Recommendation #4:

The Department of Social Services, in collaboration with the Department of Corrections, is requested to develop an informational packet for inmates explaining state custody laws and foster care. This information should be distributed through the local courts, jails and prisons.

Discussion - Many inmates believe that their incarceration automatically puts the custody of their children in jeopardy. Materials that describe the role of entrustment, temporary custody, adoption, foster care, and parental termination procedures needs to be provided to inmates. This would allow inmate parents to make better informed decisions regarding the best interest of their child. Material

that would help inmates continue in a positive parenting role would aid in their reintegration efforts once they are released.

Findings

13. Educators working with this client population are often unaware of the incarceration of the students' parent(s) and how this may be affecting the child.

14. Foster care does not separately identify parental incarceration as a reason for entering foster care.

15. Mental health providers do not routinely work with the children of offenders who are court ordered into treatment.

16. Foster care workers and foster parents do not receive training on the impact of parental incarceration on children.

17. A training curriculum on the impact of parental incarceration does not currently exist for system professionals.

Recommendation #5:

The Departments of Social Services, Education, Corrections, Youth and Family Services, and Mental Health, Mental Retardation and Substance Abuse Services are requested to develop and deliver in-service training to promote the awareness of the impact of parental incarceration on children.

Discussion - Professionals in the field are too often unaware of the impact of parental incarceration on the children / parents they serve. Descriptive information will help the professionals have a better understanding of the causes behind behavior and will facilitate the sharing of expertise across professional disciplines.

Findings

19. There is no single agency responsible for tracking or providing services to the children of incarcerated parents.

20. Children of incarcerated parents fall between the gaps of correctional and child service agencies.

21. There is limited service-coordination for the children of incarcerated parents.

22. The Department of Social Services' Division of Child Welfare plays a limited role in the lives of children with incarcerated parents.

23. Existing services for children of incarcerated parents predominately address visitation issues and not the child's needs in a community context.

Recommendation #6:

Fund a "case advocate" program in selected localities that would pilot model law enforcement procedures, information dissemination techniques, professional training, and linkage of children of incarcerated parents and their caretakers with community resources.

Discussion - Many children of incarcerated parents fall through the cracks of service delivery. We do not currently have an accurate count of the number of children affected by parental incarceration. However, the lack of visibility of this population results in many of these children's needs being undetected and the caretaker is unable to access necessary services to assist children in avoiding problems at school, and/or delinquent, and drug abusing behaviors.

The pilot projects would target those areas with large numbers of children with incarcerated parents, as identified from committing jail information, and concurrently high numbers of AFDC minor recipients due to parental incarceration. Funds would not be requested for new services but rather for the brokering of existing services and improved identification of the children in need.

Findings

24. While children of incarcerated parents share many of the same traits as other at-risk populations, they are rarely identified as at-risk due to their parent's incarceration.

25. Children of incarcerated parents should not be labeled by their parent's status as a means to access services.

Recommendation #7:

The Executive Management Council of the Comprehensive Services Act is requested to incorporate parental incarceration as a risk factor affecting children as it applies to the Comprehensive Services Act initiative as well as additional prevention/early intervention programs funded by the child-serving agencies participating in the Act.

Discussion - The Comprehensive Services Act will pool dollars and make them accessible at the community level for at-risk children and their families. By listing

parental incarceration as a risk factor, additional children may be served without the stigma or barrier of creating a separate funding stream. However, there are other services and funding streams that are not covered by the Comprehensive Services Act that provide early intervention and prevention services to children and their families with varying definitions of "risk". By including parental incarceration as a risk factor, additional children may be targeted for services who had previously gone unserved. Inclusion of parental incarceration will also raise the awareness of this family dynamic to local service providers.

Findings

26. Medical services to pregnant inmates is not consistent across the state.

27. The Department of Corrections is struggling to keep pace with the new influx of female offenders.

Recommendation #8:

The Commission on Health Care, in collaboration with the Secretaries of Public Safety and Health and Human Resources, is requested to formulate a strategy to improve the availability and accessibility of medical services to pregnant inmates in jails and prison facilities.

Discussion - Pre-natal care is of utmost importance for a child's healthy development. The impact of incarceration on pregnant inmates often affects the quality of pre-natal care provided. Many correctional facilities are unable to provide adequate pre-natal care and access to gynecological services. Leveraging of correctional dollars to increase Medicaid reimbursements may be one way in which medical services for pregnant inmates can be expanded.

Findings

28. The receipt of Administrative Support Orders by parents who were the sole custodial parent prior to incarceration, has created disincentives for them to find employment once they are released.

29. Incarcerated parents request caretakers to remove their children from AFDC rather than receive Support Orders while incarcerated.

30. The receipt of Administrative Support Orders can inadvertently place the children of incarcerated parents at greater economic risk.

Recommendation # 9:

The Department of Social Services is requested to amend their Child Support Enforcement Procedures to exclude inmates, who prior to incarceration were the primary custodial parent, from receiving Administrative Support Orders while incarcerated.

Discussion - Virginia *Code* §63.1-251 states that the receipt of public aid creates a debt to the state. For those families in which the impact of parental incarceration results in the caretaker applying for public aid, the inmate receives debt notices in prison. The inmate then often instructs the caretaker to remove their children from public aid. This places more children in poverty and without medical coverage. The accrued debt has also worked as a disincentive for the inmate to find employment upon release as their wages are garnisheed making it impossible for them to be self supporting. *Virginia Code* §63.1-250.1 (c) allows the Department to develop procedures governing the method and adjustment of child support orders pursuant to Title IV-D of the Social Securities Act. Citing the precedent of "good cause" in foster care cases, the enforcement policy should be amended to exclude these parents during their period of incarceration. However, upon release, the good cause exemption period would terminate.

Findings

31. Law enforcement officers are not required to ask about the presence of minor children when arresting an adult.

32. Temporary care arrangements for children at the time of the parent's arrest are often dependent on the parent identifying that need.

33. Children at school at the time of arrest often do not have plans made for their temporary care.

34. The majority of law enforcement officers help make temporary care arrangements for children when requested to do so.

35. There are no uniform procedures for the handling of minor children at the time of arrest and/or the taking into custody of the parent.

Recommendation #10:

The Department of Criminal Justice Services is requested to develop standards for law enforcement officers dealing with the identification of minor children and the handling of emergency placement of these children when arresting their parents.

Discussion - Most law enforcement officers do help make arrangements for the temporary care of children when they arrest in the home and there are signs of children. They do not routinely ask for this information if the existence of minor children is less apparent. The arrest phase is the first crisis point for these children and they often go unidentified. By establishing statewide procedures, more children will be identified and potential crisis situations will be avoided. Early identification of these children will also provide them with information regarding the status of their parent and the possible consequences.

Findings

36. Many incarcerated parents leave their children in the care of individuals with no formal agreement explaining the caretakers responsibilities for the child.

37. There is no data available regarding the types of custody arrangements made for these children nor the consequence of these arrangements for the parent, caretaker and child.

38. Community agencies are often at a loss as to how to contact the person who has the legal authority to authorize care for the children of incarcerated parents.

Recommendation #11:

Further study should be conducted on the issue of legal custody and entrustment of children to caretakers as a result of parental incarceration.

Discussion - Most inmates have made informal arrangements regarding the care of their children while they are incarcerated. This places children in a state of limbo with respect to identifying the individual who has the responsibility of acting on behalf of the parent. Clarification of the different forms of care-taking agreements would be useful for both the parent and the person entrusted with the care of the child during the period of incarceration.

Findings

39. Correctional staff do not inform community providers working with the child about the incarcerated parent's status with respect to sentencing, length of incarceration or parole status.

40. The incarceration of a parent affects a child's ability to perform at school, their community ties, and their sense of self-identity.

Recommendation # 12:

The "Consent to Exchange Information Form" shall be used by those agencies working with the incarcerated parent and their children.

Discussion - The Departments of Corrections, Social Services, and Education must acknowledge the impact on the family unit when planning and providing services. The confidentiality provisions provided for in current state and federal laws do not preclude this form of sharing information. However care must be exercised not to label the child on the basis of the parent's behavior.

VIII. Acknowledgments

In addition to individuals who served on the Work Group, the members of the Commission on Youth extend their appreciation to the following agencies and individuals for their cooperation and assistance on this study:

Delegate Gladys B. Keating of Fairfax

Children's Defense Fund
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National Women's Law Center
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A special note of thanks to Tracey Jenkins from the Department of Criminal Justice Services who developed the methodology and conducted the data analysis for this study.

HP4208320

1992 SESSION
ENGROSSED

HOUSE JOINT RESOLUTION NO. 218

House Amendments in [ ] - February 3, 1992

Requesting the Youth Services Commission to conduct a comprehensive study of the problems of children [~~*who are wards of the Department of Youth and Family Services and those*~~] *whose parents are incarcerated.*

Patrons—Keating, Van Landingham, Abbitt, Almand, Armstrong, Bennett, Bloxom, Brickley, Byrne, Callahan, Christian, Cohen, Connally, Cooper, Copeland, Cranwell, Croshaw, Crouch, Cunningham, J.W., Cunningham, R.K., Darner, Davies, DeBoer, Deeds, Dickinson, Dillard, Finney, Fisher, Forbes, Forehand, Giesen, Grayson, Guest, Hall, Hamilton, Harris, Heilig, Ingram, Jackson, Jennings, Johnson, Jones, Martin, Maxwell, Mayer, McDonnell, Melvin, Miller, Moore, Morgan, Orrock, Parker, Phillips, Plum, Puller, Purkey, Reynolds, Robinson, Scott, Smith, Stieffen, Stump, Tata, Thomas, Van Yahres, Wagner, Way, Wilkins, Wood and Woodrum; Senators: Barry, Benedetti, Calhoun, Colgan, Earley, Gartlan, Hawkins, Holland, C.A., Holland, E.M., Holland, R.J., Howell, Lambert, Lucas, Marsh, Marye, Miller, Y.B., Nolen, Potts, Quayle, Reasor, Robb, Russell, Saslaw, Schewel, Scott, Waddell, Walker and Woods

---

Referred to the Committee on Health, Welfare and Institutions

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WHEREAS, there are over 100,000 minor children whose parents are incarcerated in the state prison system or in local or regional jails in the Commonwealth; and

WHEREAS, children of incarcerated parents experience feelings of desertion, ridicule, isolation, and guilt associated with parental absence; and

WHEREAS, these same children suffer from emotional, economic and educational deprivation through no fault of their own, resulting in low self-esteem which is a major factor in adult and juvenile behavior leading to conviction and incarceration; and

WHEREAS, children whose parents are incarcerated are at a higher risk of deviant behavior than other children; and

WHEREAS, in its study of the ways to reduce recidivism through improved family and community ties, pursuant to HJR 429 of the 1991 Session of the General Assembly, the Virginia State Crime Commission has identified that children of inmates have special needs that need comprehensive study and that no such study has been done; and

WHEREAS, an investment in early intervention and services may result in the long-term reduction in Virginia's inmate population; and

WHEREAS, the at-risk population of children of incarcerated parents requires the special consideration of each state agency in planning and developing programs to address issues of social services, mental health, health, medical needs, and education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Youth Services Commission be requested to conduct a comprehensive study of the problems faced and associated with children of parents who are incarcerated [; ~~including wards of the Department of Youth and Family Services~~].

All affected agencies of the state shall provide assistance as deemed appropriate by the Commission and coordinate to address the concerns of such children in the development of their respective department's policies and regulations.

The Commission shall complete its study in time to submit its findings and recommendations to the 1993 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

House Joint Resolution 218

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Composite Analysis of National Studies

Children of Incarcerated Parents
Data Summary and Average Calculations

Female Inmates

Inmates with Children - Percentage of All Female Inmates:

Glick and Neto, 1977	74.1%
McGowan and Blumenthal, 1978	75.0% *
Koban, 1983	75.5%
ACA, 1990	79.1%
Snell, 1992	73.8%
Mean Average Calculation	**75.5% (Range: 73.8% - 79.1%)**

* This figure represents the cluster midpoint which is believed to be a more accurate figure than the true average of 67.1%.

Inmates with Minor Children - Percentage of All Female Inmates:

McGowan and Blumenthal, 1978	65.0%
Baunach, 1985	66.9%
BJS, 1988	72.5%
ACA, 1990	70.9%
Snell, 1992	67.5%
Mean Average Calculation	**68.6% (Range: 65.0% - 72.5%)**

(Since the figure of 77.9% that Fritsch and Burkhead reported is much higher than other findings, it was eliminated from the mean average calculation.)

Inmates with Minor Children - Percentage of Inmate Mothers:

ACA, 1990	90.1%
Snell, 1992	92.1%
Mean Average Calculation	**91.1% (Range: 90.1 - 92.1%)**

Inmates with Minor Children Living with Them Prior to Their Incarceration - Percentage of All Female Inmates:

Glick and Neto, 1977	54.6%
Snell, 1992	45.6%
Mean Average Calculation	**50.1% (Range: 45.6% - 54.6%)**

Placement of Children Following Mother's Incarceration:

Glick and Neto, 1977 (Minor Children):

Husband	9.5%
Maternal Grandparents	44.4%
Other Relatives	31.6%
Other	14.5%

McGowan and Blumenthal, 1978 (Minor and Adult Children):

Father/Husband	13.7% (Extrapolated Estimate)
Grandparents	42.8% (Extrapolated Estimate)
Other Relatives	19.4% (Extrapolated Estimate)
Friends/Neighbors	4.3%
Foster Care	12.1%
Other	7.6%

Koban, 1983 (May Include Adult Children):

Father	28.6%
Grandparents	34.3%
Foster Care	5.7%
Other	31.4%

Baunach, 1985 (Minor Children):

Natural Father	20.1%
Maternal Grandparents	36.0%
Other Relatives	25.4%
Other	18.4%

ACA, 1990 (Minor Children):

Husband/Boyfriend	10.6%
Maternal Grandparents	42.9%
Other Relatives	25.4%
Foster Parents	6.8%
Other	14.3%

Snell, 1992 (Minor Children - All Extrapolated Estimates):

Father	20.8%
Grandparents	44.5%
Other Relatives	20.2%
Friends	3.8%
Foster Home	5.8%
Agencies/Institutions	1.4%
Other	3.5%

Average Number of Children Per Inmate Father:

Fritsch and Burkhead, 1981	1.9
Koban, 1983	1.3
Mean Average Calculation	1.6

Age Groupings of Children:

Fritsch and Burkhead, 1981:

1-6 Years	32.9%
7-12 Years	42.5%
13-17 Years	24.7%

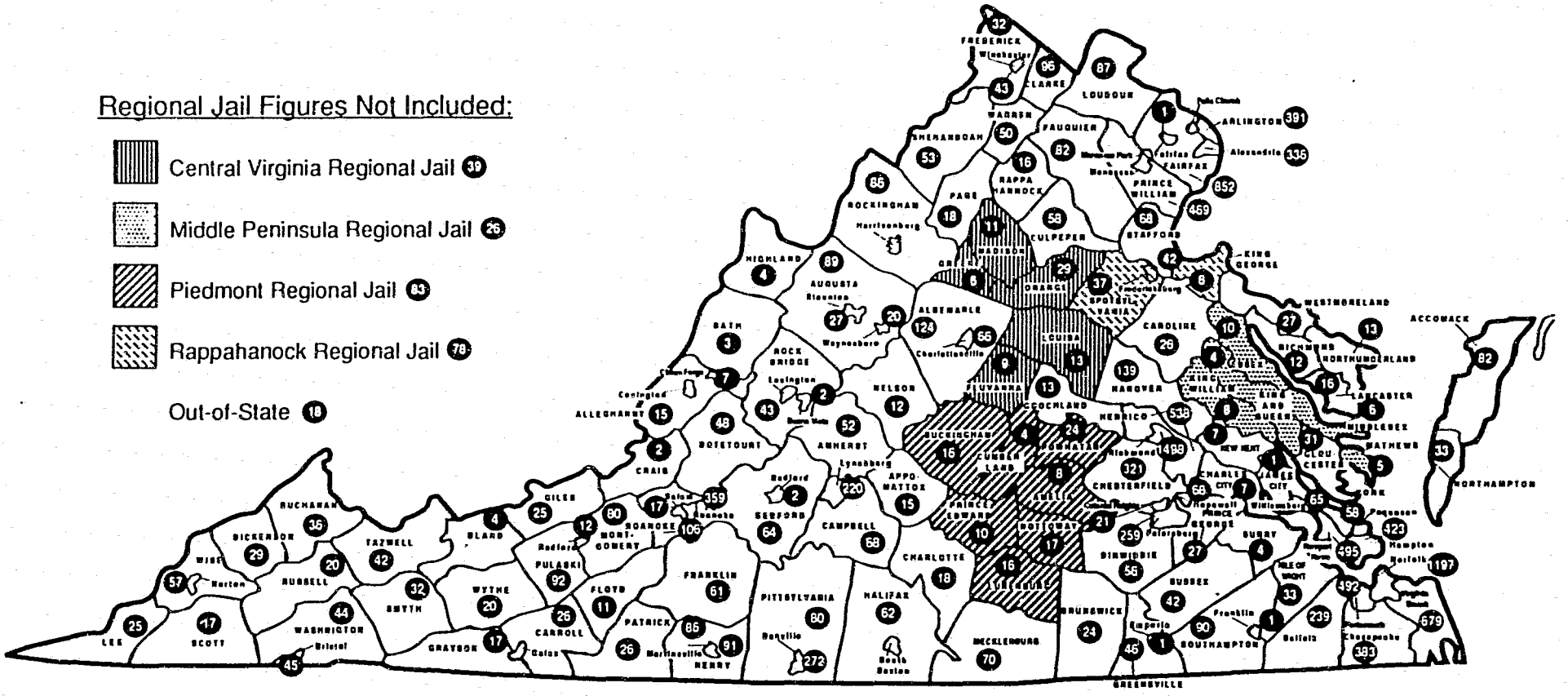
Placement of Children Following Father's Incarceration:

Koban, 1983 (May Include Adult Children):

Mother	87.1%
Grandparents	8.1%
Other	4.8%

Children of Incarcerated Parents

Estimated Number of Children by Home Location
June 30, 1992



Source: Department of Criminal Justice Services, State and Local Services, Corrections Section.

Department of Criminal Justice Services
DCJS
November, 1992

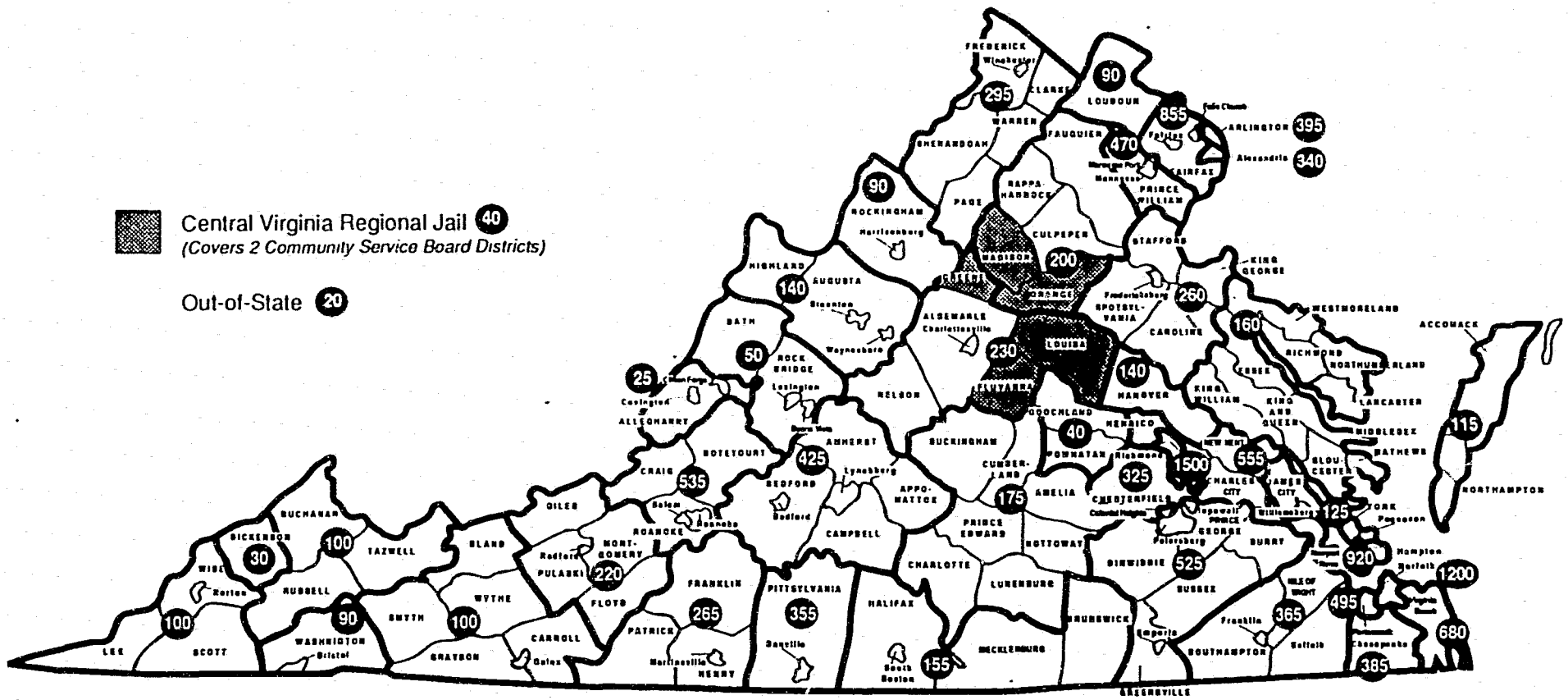
Appendix D

Children of Incarcerated Parents

Estimated Number of Children*

Home Location by Community Service Board

June 30, 1992



* Figures rounded up to nearest multiple of five.

Source: Department of Criminal Justice Services, State and Local Services, Corrections Section.

Department of Criminal Justice Services

DCJS

November, 1992

HJR 218 - FOSTER CARE SURVEY

Please answer the following questions for the time period July 1, 1991 through June 30, 1992.

1. Total number of children served in foster care: _____

2. Total number of children *placed* in foster care: _____

3. How many children were placed in foster care *due to* parental incarceration? _____

Ages	Race	Handicapping Condition, if any
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. How many children served in foster care have an incarcerated parent(s)? _____

Ages	Race	Handicapping Condition, if any
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. For those children identified in question #4, what was the primary reason for placement?

_____

_____

6. How many children are in foster care who have parents that are incarcerated as a result of abuse / neglect charges? _____

7. How many children are in foster care whose parent was incarcerated *during* foster care placement? _____

8. How many incarcerated parents requested to be relieved of custody? _____

9. How many of the children in foster care visit their incarcerated parent(s)? _____

10. For those children in question #9, who arranged the visit(s)? _____

11. Have there been any hearings on termination of parental rights involving incarcerated parents? _____ If so, how many? _____

12. What were the results of these hearings? _____

_____

Please include any additional comments / observations you can share regarding the needs of foster care children whose parents are incarcerated.

House Joint Resolution 218
Survey for Sheriffs

1. Do your arresting officers routinely ask the suspect if they have minor children who will be left unattended?

   _____ Yes _____ No

2. If not routinely asked, in what situation(s) would your arresting officer ask the suspect if they have minor children who will be left unattended?

   _____

   _____

   _____

   _____

3. When completing the paperwork on a suspect, do officers routinely ask if there are unattended minors left in the home?

   _____ Yes _____ No

4. If not routinely asked, in what situation(s) do officers ask if there are unattended minors left in the home?

   _____

   _____

   _____

   _____

5. Does your Department's "booking sheet" ask for any information on the suspect's minor children?

   _____ Yes _____ No

   If yes, how is this information used?

   _____

   _____

6. Has you Department worked with the local department of social services in securing temporary placement for minor children due to parental arrest?

   _____ Yes _____ No

   If yes, how often in the last 12 months? _____

National Programs Serving Children of Incarcerated Parents

Aid to Imprisoned Mothers, Inc. (AIM)
957 North Highland Avenue NE
Atlanta, Georgia 30306
(404) 881-8291
Ms. Sandra Barnhill, Director

Arsenal Family and Children's Center
3939 Penn Avenue
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(412) 681-4210
Dr. Von E. Keairns, Executive Director

Bethel Bible Village
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(615) 842-5757
Mr. Gary Bailor, Director of Family Services

The Children's Center
247 Harris Road
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Sister Elaine Roulet, C.S.J., Director

Families in Crisis, Inc.
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Prison Family Support
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Prison Parents and Their Children (PATCH)
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YMCA Female Offender Program
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Children With Incarcerated Parents

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Index of State and Federal Confidentiality Statutes

A. Selected Statutes in the Code of Virginia Containing Confidentiality and Related Provisions:

General Provisions:

Freedom of Information Act -- § 2.1-340, et seq. (see § 2.1-342)
Privacy Protection Act -- § 2.1-377, et seq.
Social Security Numbers -- § 2.1-385
Public Records -- § 42.1-78

Aging:

§§ 2.1-373.1 and 2.1-373.2 (Ombudsman Program)

Corrections:

§ 53.1-40.10 (Medical/Mental Health Information)

Courts:

§ 16.1-303 (Court Reports)
§ 16.1-305 (Juvenile Court Records)
§ 16.1-307 (Circuit Court Records)
§ 16.1-309 (Penalties for Unauthorized Disclosure)

Education:

§ 22.1-287 (Pupil Records)
§ 22.1-287.1 (Directory Information)
§ 22.1-288 (Information to Other Schools)
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§ 32.1-40 (Inspection of Medical Records)
§ 32.1-41 (Communicable Diseases)
§ 32.1-64.2 (Hearing Impairments)
§ 32.1-67.1 (Infant Testing)
§ 32.1-69 (Genetic and Metabolic Disorders)
§ 32.1-69.2 (Birth Defects -- Virginia CARES)
§§ 32.1-70 and 32.1-71 (Cancer Registry)

§ 63.1-182.1(A)(4) (Homes for Adults)

§ 63.1-209 (Adoptees and Relatives)

§ 63.1-236 (Adoptions)

§§ 63.1-248.6(H) and 63.1-248.8 (Child Protective Services: Abuse/Neglect)

§ 63.1-274.3 through 63.1-274.6 (Child Support)

Visually Handicapped:

§ 63.1-71.1 (Register of the Blind)

Workers' Compensation:

§ 65.2-903 (Commission Records)

Youth and Family Services:

§ 16.1-300 (Committed Youth)

B. Selected Federal Law Containing Confidentiality and Related Provisions:

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Federal Freedom of Information Act, 5 U.S.C. §§ 552, et seq.; Federal Privacy Act, 5 U.S.C. §552(a).

Education:

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. §1232(g); 34 C.F.R. 98; 34 C.F.R. 99; and 34 C.F.R. 300, et seq. (all of these are various regulations dealing with confidentiality of student records, special education and non-special education, research and testing)

Health:

42 C.F.R 2(a) Human Research Confidentiality

Medical Assistance Services:

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DMHMRSAS:

Alcohol and Drug Records Confidentiality: 42 U.S.C. §§ 290(dd) and 290 (ee); 42 C.F.R. §§ 2.1 et seq.

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41 C.F.R. § 51-8 (Privacy Rules)

§ 32.1-71.4 (Alzheimers Registry)

§§ 32.1-112(A)(11), 32.1-116.1:1, 32.1-116.1:2, and 32.1-116.3 (Emergency Medical Care)

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§ 63.1-53 (Public Assistance and Services Clients)

§ 63.1-55.4 (Adult Protective Services)

§ 63.1-126 (Public Assistance)