



Center for Advanced Studies
in **Child Welfare**

School of Social Work
UNIVERSITY OF MINNESOTA



CW360^o

a comprehensive look at a prevalent child welfare issue

Safety

Permanency

Well-Being

Criminal Justice Involvement of Families in Child Welfare
Spring 2018

From the Editors

Each year thousands of families are impacted by the child welfare and criminal justice systems across the United States. The two systems intersect in countless ways, and yet each of their fields of study, professional disciplines, and formal training are often very separate. Because of this, knowledge of the two systems, their intersection, and the impact on families' lives are often siloed, and a lack of understanding, communication and cooperation contributes to negative outcomes for children and families. The two systems have much in common, each struggling with issues of client poverty, historical trauma, mental health problems and substance abuse. Additionally, a disproportionate number of individuals from communities of color and indigenous communities are represented in both systems. Individuals impacted often face a number of barriers in accessing resources and services within their communities, including housing, employment, education, financial assistance, foster care licensure, and much more. We know that in child welfare, obstacles parents face due to their criminal justice involvement greatly contribute to barriers for family reunification. With competing timelines, conflicting priorities, and differing expectations, communication and collaboration between systems is essential for all parties,

particularly as parents work toward stability and success.

This issue of *CW360°* explores the impact and implications of the intersection of child welfare and criminal justice involvement on families. Local, state, and federal efforts to support families and eliminate barriers to success are well established. It is imperative that we learn from these efforts while drawing upon family resilience, and to think critically about how professionals within these two systems can work together. This issue explores a shift to prevention, which includes investing more into our communities, addressing poverty, and eliminating bias. Additionally, we need systems that communicate and collaborate in ensuring accountability for crimes.

Preparation for each issue of *CW360°* begins with an extensive literature review and an exploration of best practices in the field. Then, CASCW staff identify individuals who have emerged as leaders or have a unique contribution to write articles that offer insights on a range of policies, programs and strategies to inform the child welfare practice community. And in this case, the criminal justice community.

CW360° is divided into three sections: overview, practice, and perspectives. The overview section explores the prevalence of criminal justice and child welfare

involvement in the United States, including mass incarceration and racial disparities and disproportionality. Additionally, it explores key contributing factors for involvement and summarizes some of the significant systemic barriers that impact children and families. The practice section includes articles on evidence-informed, innovative, and promising practices for supporting families involved in both systems. The perspectives section presents articles from a variety of child welfare and criminal justice stakeholders, highlighting key experiences and lessons learned.

We have included information and tools throughout this publication that will help you apply the research, practice, and perspectives to your own work setting. **Please refer to the discussion questions at the end of the publication to guide conversations with staff and administrators at your agency.** Please note that we have removed the reference section from the printed editions of *CW360°* in order to make space for additional content. You can find a full listing of the citations in PDF format on our website at <https://z.umn.edu/2018cw360>.

We hope you find this issue informative and useful in your work. And we'd like to express a great appreciation for the dedication and hard work that professionals in the child welfare and criminal justice systems give every day to support children and families.

Traci LaLiberte, PhD
Executive Director,
Center for Advanced Studies in Child Welfare
Executive Editor, *CW360°*

Korina Barry, MSW, LGSW
Director of Outreach,
Center for Advanced Studies in Child Welfare
Managing Editor, *CW360°*

Kate Walthour, MSW, LISW
Outreach Coordinator,
Center for Advanced Studies in Child Welfare
Editor, *CW360°*

The Well-being Indicator Tool for Youth (WIT-Y)

The Center for Advanced Studies in Child Welfare (CASCW) at the University of Minnesota has partnered with Anu Family Services to develop the Well-being Indicator Tool for Youth (WIT-Y), a self-assessment tool for youth aged 15-21 years. The WIT-Y allows youth to explore their well-being across eight domains: Safety and Security, Relationships, Mental Health, Cognitive Health, Physical Health, Community, Purpose, and Environment.

The WIT-Y consists of three components:

The WIT-Y Assessment, The WIT-Y Snapshot, and The WIT-Y Blueprint.

For additional information visit: z.umn.edu/wity



Center for Advanced Studies
in **Child Welfare**



Table of Contents

Overview

Exploring the Intersection of Child Welfare and Criminal Justice
Keva M. Miller, PhD, LCSW 4

Families and Mass Incarceration
Kara Gotsch, MPP 7

How Often and in What Circumstances Does Law Enforcement Investigate in Child Protection Cases?
Theodore P. Cross, PhD, Emmeline Chuang, PhD, Jesse Helton, PhD, Seth Boughton, NSW, QMHP, & Emily Lux, MSW 8

The Experience of Parental Incarceration: Visible by Choice
Ann Adalist-Estrin, MS 9

The Impact of Collateral Consequences of Criminal Conviction on Children and Families
Roberta Meyers, MS, BS 10

The Intersection of Parental Immigration Status and Child Welfare Involvement
Alan J. Dettlaff, PhD 11

How does Incarceration Affect the Likelihood of Reunification?
Amy C. D'Andrade, PhD 12

Family Resilience in the Context of Criminal Justice and Child Welfare
Ann S. Masten, PhD, LP, and Hayley A. Rahl, BS 13

Practice

Substance Use Disorders in Pregnancy: Disadvantages of a Punitive Response
Katya Dunn, and Katrina Hui, MD, MS 14

Best Practices for Working with Incarcerated Parents who have Children in the Child Welfare System
AshLee Smith, MPP, and Rebecca J. Shlafer, PhD, MPH 15

After the Disclosure: Person-centered Responses to Child Sexual Abuse
Angela Lewis-Dmello, MSW, LICSW, and Julie Stauffer, MSW, LICSW 16

Expanding the Role of Drug Treatment Courts to Prevent Child Maltreatment
Elizabeth J. Gifford, PhD, Lindsey M. Eldred, JD, and Frank A. Sloan, PhD 18

Seeing Fathers Through Invisible Barriers: Engaging Dads for the Children
Andrew Freeberg, PhD 19

Kinship Care: A Protective Mechanism Amidst the Risks and Effects of Parental Incarceration
Ramona Denby-Brinson, PhD 20

Family Court Enhancement Project: Improving Access to Justice
The Honorable Anne K. McKeig, and the Honorable Mary Madden 21

Seeing the Forest and the Trees: Trauma-Informed Perspectives on Mental Health and Wellbeing in Mothers
Helen Kim, MD, and Jesse Kuendig, LICSW 22

Perspectives

The Fabric of Change is Woven with the Threads of Our Voices
Erica Gerrity, LICSW, with Christa Schroeder, Tonja Honsey, and members of Pregnancy and Beyond, a prenatal education group at Minnesota Correctional Facility- Shakopee. 24

Barriers Facing Parents with Criminal Records in Child Protective Proceedings
Elizabeth Brown, JD 25

Mending Cultural Fibers: Resilience of American Indian Mothers Caught Between Two Systems
Laura Newton, Kelly Morgan, Charlene Day-Castro, and Teresa Zaffiro-Day interviewed by Kate Walthour, MSW, LISW, and Korina Barry, MSW, LGSW 26

The Journey through the Criminal Justice and Child Protection Systems
Cory, interviewed by Kate Walthour, MSW, LISW 27

The Impact of Criminal Records on Placement and Permanency for Children in Out-of-Home Care
Sara Crotteau, MSW, LGSW 28

The Unintended Consequences of Minnesota's Child Protection and Mandatory Reporting Statutes on Sexual Offenders and Their Families
Jon Brandt, MSW, LICSW, and Joanna Woolman, JD 29

We Are All Criminals
Emily Baxter 30

Strengthening Families Through Systems Communication: A Perspective from the Bench
The Honorable Jamie L. Cork, interviewed by Kate Walthour, MSW, LISW, and Korina Barry, MSW, LGSW 32

Agency Discussion Guide 35

Resources 38

Exploring the Intersection of Child Welfare and Criminal Justice

Keva M. Miller, PhD, LCSW

In Spring 2008, the Center for Advanced Studies in Child Welfare published its first issue of CW360° that focused on children of incarcerated parents and their families. The issue was unique in that it was one of the first publications with a multi-disciplinary and multi-dimensional focus on illuminating the experiences and effects of incarceration on children and their families. In addition, strategies to engage families and assist child welfare workers' in meeting the needs of children and their families who experience incarceration were discussed. Within the past decade, our understanding of these issues has expanded dramatically as we have made strides in addressing the needs of families affected by criminal justice involvement.

Burgeoning research has increased our understanding of the scope of the problem. Studies have expanded the focus from solely children of incarcerated parents to greater attention and understanding of children experiencing parental arrest as well as parental probation or parole. We also are learning more about how criminal, family, and juvenile court systems can adapt their practices to more family-centered and trauma-informed approaches. The knowledge we have obtained provides much needed direction for preventative measures, comprehensive and family-centered approaches to practice, and proactive policies that enhance overall family well-being. Ultimately, this can result in reducing the enduring trauma of children and families and decreasing intergenerational involvement with multiple systems.

While significant progress since the first issue of CW360° is evident, the population remains largely hidden within society and relatively underserved by judicial and potentially collaborating child welfare, mental health, and educational systems.

Overview of Children of Criminal Justice Involved Parents

Over the past 40 years, arrest, incarceration, and criminal justice supervisory rates have increased dramatically (see Gotsch, this issue). As a result, children of criminal justice involved parents constitute a rapidly growing at-risk population. The number of children who have parents with a history of criminal justice involvement is unknown but determined to exceed 10 million (Glaze & Maruschak, 2008).

As Adalist-Estrin highlights (p. 9), children of criminal justice involved parents are vulnerable to a number of interpersonal and developmental problems. Their experiences may serve as risk pathways to multiple systems of care. In addition, parents often desire to

maintain their parenting roles, in not only name but also instrumental functions such as on-going supervision, supporting positive behavioral and emotional development, and monitoring educational progress (Eddy et al., 2008). Reinforcing parent involvement is an important way for child welfare and criminal justice systems to support child well-being.

Racial Disproportionality and Disparity: Systems Intersection

Of great concern is the extent parental criminal justice involvement and the associated risks are part of an even more complicated dynamic

color in particular. In regard to children of incarcerated parents, the disproportional racial representation and disparate rates between children of color and white children are also alarming. While black children are 13.8% of the U.S. general population, the latest data suggest they account for approximately 45% of children of parents in state and federal prisons. In contrast, white children make up 51.9% of the general population and 28% of the children with incarcerated parents (Federal Interagency Forum on Child and Family Statistics, 2017; Glaze & Maruschak, 2008). When we consider disparities between white children and children of color, Latino and black children are 2.5 and

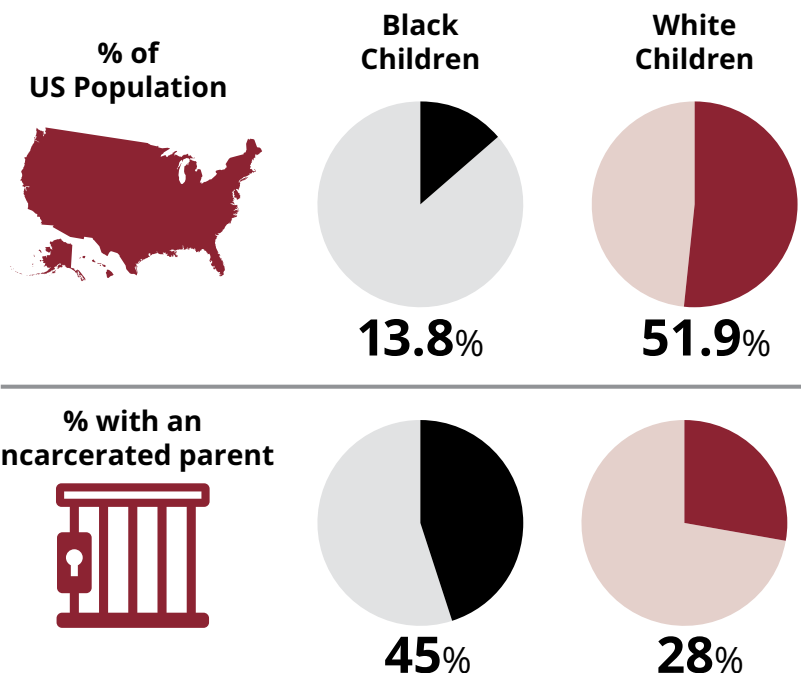
...it is clear that children of color, particularly black children, are overrepresented among children of dual child welfare and criminal justice systems involved parents and more likely to have corrections involved parents than their white counterparts.

for children of color. It is widely recognized that people of color are more likely to come to the attention of law enforcement and are overrepresented in correctional systems across the nation (Harrison & Beck, 2006; Western & Wildeman, 2009). The statistics presented by Gotsch (p. 7) provide a startling description of mass incarceration in the United States and how it is affecting communities of

7.5 times respectively more likely to have a parent in a correctional institution. Similarly, American Indian/Alaska Native and multi-racial/ethnic children are over-represented.

Disproportionate and disparate rates of children and families of color are also seen within the child welfare system. Black and American Indian/Alaska Native children

Racial Disproportionality





remain overrepresented in foster care and are more likely to remain in foster care for extended periods compared to white children. Black representation in foster care is 24.3% and American Indian/Alaska Native is 2.4% despite their 0.9% general population

systems has been a focus of much debate. The reality is that the dynamics and sources of racial disproportionality and disparities is not well understood nor adequately addressed by either system (Roberts, 2011). The literature, specifically child welfare research and reports,

fewer educational opportunities, and adverse community conditions. These are challenges that too often serve as pathways to system involvement for parents and place children at-risk for similar outcomes (Miller et al., 2017). The true contributor of racial disproportionality and disparity is likely multiple factors. Thus, it may be helpful to consider a multiple determinants theory that promotes a combination of higher prevalence of risks among families of color, individual practice bias, and systemic and structural biased policies as contributing to racial disproportionality and disparity in both systems (Dettlaff et al., 2011; Miller et al., 2013).

The reality is that the dynamics and sources of racial disproportionality and disparities is not well understood nor adequately addressed by either system.

representation. Black and American Indian/Alaska Native children are disproportionately represented 1.8 and 2.7 times their rates in the general population (Child Welfare Information Gateway, 2016).

It is unclear whether there is a relationship between the overrepresentation of children in the child welfare system and overrepresentation of children with parents in the criminal justice system: Literature on this issue is not fully developed. However, it is clear that children of color, particularly black children, are overrepresented among children of dual child welfare and criminal justice systems involved parents and more likely to have corrections involved parents than their white counterparts (Miller & Bank, 2013). The limited research does support that these children remain at the greatest risk for involvement with one or both systems, and parallels between racial disproportionality and dual system exposure merit further attention (Miller & Bank, 2013; Wells & Daniels, 2008).

For decades, the contributors of the overrepresentation of children and families of color in child welfare and criminal justice

advances a number of theories, some of which are presented as competing (Barth, 2005; Bartholet et al., 2011; Cahn & Harris, 2005; Dettlaff & Rycraft, 2011). Three of the most prominent theories posed to explain the issue include:

1. higher prevalence of risks (e.g., poverty, single-parenthood, unemployment, parenting practices) in communities and families of color;
2. individual bias in decision-making practices; and
3. systemic and structural bias in agency policies and practices.

The lives of children and families affected by criminal justice and child welfare systems are complicated and involvement with these two systems may be an indicator of broader, complex issues. Families of color often experience a higher prevalence of exposure to multi-layered socio-ecological challenges that exist within and outside child welfare and criminal justice systems. The challenges include structural and institutional exclusion, social isolation, intergenerational poverty,

Supporting Children and Families

Across the nation, child welfare agencies have amplified efforts to advance family-centered and culturally responsive practices that address racial disproportionality and disparities within their systems of care. Unfortunately, such efforts have not reduced the disproportionate rates or significantly narrowed the disparities in child welfare systems across the country. Equally concerning is the lack of progress in criminal justice systems to address disproportionate and disparate rates at which people of color are criminalized and enter the system.

Despite the challenges, risks, and traumas that children and families who are exposed to criminal justice and child welfare systems encounter, most families, including families of color, are seemingly resistant to absolute destruction and demonstrate resilience. These systems have roles in supporting families to reduce negative outcomes attributed to dual system involvement. Key recommendations for

service provision include re-examining system policies and practices, using family-centered practices, and identifying and addressing the specific needs of sub-systems within the family. Below is a preview of a few key recommendations that are discussed in more depth in this issue.

Services for Children of Criminal Justice Involved Parents

Many recommendations for working with the children of criminal justice involved parents are rooted in the values outlined in state adopted Children of Incarcerated Parents Bill of Rights. The bill of rights advocates for agencies

working with the population to meet basic needs for healthy development through child-centered approaches, promotion of parent-child communication and contact, and assurance of child safety (San Francisco Children of Incarcerated Parents Partnership, 2005). A few recommendations are for child welfare practitioners:

- Seek trauma-informed practices that address the enduring trauma of arrest events, prolonged parent-child separation, and experiences children encountered prior to their parent's involvement with the correctional system (see Gotsch, this issue; Lewis-Dmello & Stauffer, this issue; Masten & Rahl, this issue).

- Create service plans that encourage parent-child contact through letters, phone calls, and visits. Work with prison staff to identify prison-based programs that will assist parents in meeting child welfare requirements for reunification (see Smith & Shlafer, this issue).
- Create and support opportunities for children to participate in enrichment or therapeutic activities that promote academic achievement, healthy socialization skills, self-confidence, and overall behavioral and emotional well-being.

Working with Criminal Justice Involved Parents

Promoting long-term success and stability in the lives of parents is key for overall family well-being. Many parents require services that focus on addressing barriers that preceded their involvement with the system. It is strongly recommended that child welfare practitioners:

- Identify trauma-informed practices that address the life histories that serve as pathways to criminal activity (see Kim & Kuendig, this issue; Newton, Morgan, Day-Castro & Zaffiro-Day, this issue).
- Address potential mental health and/or substance abuse concerns to decrease the likelihood of re-occurring behaviors that led to criminal justice and child welfare involvement (see D'Andrade, this issue; Gifford, Eldred & Sloan, this issue; Hui & Dunn, this issue).
- Assist in maintaining, rebuilding, and developing relationships between parent-child. For incarcerated parents, parenting education that provides opportunities to utilize skills through guided and assisted learning are most beneficial (see Smith & Shlafer, this issue).
- Promote educational and employability skill-building to help systematically identify, address, and resolve issues that often lead to criminality. Such skills can assist in accessing stable and safe housing options (see Freeberg, this issue).

Implementation of the suggested recommendations presented in this issue takes time and resources that are not always readily available. However, the need to respond is urgent. It is the responsibility of scholars and practitioners to understand the issues, promote policies, and implement practices that improve outcomes and promote well-being for all children and families exposed to child welfare and criminal justice systems.

Keva M. Miller, PhD, LCSW, is the associate dean for academic affairs and associate professor at Portland State University School of Social Work. Contact: kmmiller@pdx.edu.

System Policies and Practices

While there are no easy answers from the limited best practice literature, partnership between the two systems is a key component to foster well-being and improve outcomes for families impacted by dual system involvement. Recommendations for child welfare and collaborating systems are to:

Propose policies that promote cross-system collaboration to foster interagency communication, coordination, and shared accountability. It is essential to address the problem of one family being held accountable to multiple institutions while the institutions are working independently of each other (see Brown, this issue; Cork, this issue; Cross, Chuang, Helton, Boughton, & Lux, this issue; Lewis-Dmello & Stauffer, this issue).

Examine and re-examine policies and practices that contribute to disproportionality and disparity of families of color. This includes decision-making processes through which both systems place children in care, and, in particular, whether race is a predictor of such decisions (see Baxter, this issue; Dettlaff, this issue; Gotsch, this issue).

Promote cross-system collaborations and services that tend to poverty and the associated risks. Assistance with accessing educational, job-training and employment, and permanent housing solutions promotes long-term success and stability of families with dual system involvement (see Freeberg, this issue).

Support a culturally responsive workforce by creating checks and balances to eliminate personal and structural bias in organizational values and culture that disparately place children of color at greater risks for long-term separation from parents.

Partner with leadership in stakeholder communities and organizations (i.e., tribal, church, minority led) to change policies and practices (see McKeig & Madden, this issue).

Integrate Bring family and community resources into the process, as cultural experts in court proceedings, caseworker training, and advisory meetings to help determine proper placement options when applicable (see Denby-Brinson, this issue)

Create policies for systems that identify dual-involved families and track service provisions. Neither child welfare nor criminal justice systems routinely collect adequate data about their populations.

Families and Mass Incarceration

Kara Gotsch, MPP

In the United States mothers and fathers go to prison at troubling rates. One of every 12 American children, more than 5.7 million kids under age 18, have experienced parental incarceration at some point during their lives (Child and Adolescent Health Measurement Initiative, 2016). About half of parents in prison lived with their children before their arrest or incarceration, and similar proportions of parents served as the primary source of financial support for their children (Child Welfare Information Gateway, 2015). While there should be consequences for breaking the law, this national phenomenon of mass parental incarceration is unique in the world and perpetuates a compounding dilemma.

The number of people in prisons and jails in the U.S. more than quadrupled from 1980 to 2015, and now total more than 2.2 million. Another 4.7 million people are under parole or probation supervision (Trends in U.S. Corrections, 2017). This growth is the result of changes in policy, not a dramatic rise in crime. The institution of long mandatory minimum sentences, the declining use of parole, and more punitive responses to substance use disorders helped to expand the prison population and the number of people entangled in the criminal justice system (Travis, Western, & Redburn (Eds.), 2014). These trends have continued even as crime rates have declined by nearly 50% after peaking in 1991 (Ghandnoosh, 2017).

Punitive policing and sentencing policies have had a disproportionate impact on communities of color. While people of color comprise 37% of the U.S. population, they represent 67% of the prison population. African Americans are more likely to be arrested, convicted, and incarcerated than similarly situated white Americans (Ghandnoosh, 2015). Among young African American males, one in three will spend some time incarcerated during his lifetime (Trends, 2017). While greater involvement in certain crimes explains some of the racial and ethnic disparity, issues of biased enforcement practices, inadequate legal defense resources, and structural racism are also key factors (Ghandnoosh, 2015).

Studies report numerous negative outcomes for children as a consequence of parental incarceration, ranging from depression and anxiety to aggression and delinquency depending on circumstances such as the child's age and the length of a parent's incarceration (Child Welfare Information Gateway, 2015). Additional evidence points to children's extreme trauma resulting from the experience of parental arrest, which led the International Association of Chiefs of Police to develop and promote

guidance for law enforcement agencies to improve interactions with children of arrested parents (International Association of Chiefs of Police, 2014). Author Nell Bernstein (2007) describes her research on the topic this way:

With appalling regularity, young people describe being left to fend for themselves in empty apartments for weeks or even months in the wake of a parent's arrest. In most cases, these children were not present when their parent was arrested; they simply came home from school to find their parent gone and were left to draw their own conclusions – not to mention cook their own dinner. But some told of watching police handcuff and remove a parent—the only adult in the house—and simply leave them behind (p.14).

This kind of event can color a child's perspective on policing and authority for a lifetime.

Once home, the burden of incarceration and criminal justice involvement continues for families. Federal and state laws create obstacles to securing employment, housing, financial assistance such as food stamps and Temporary

crime within five years – indicate that these transitions are often unsuccessful (Durose, Cooper, & Snyder, 2014).

The stark outcomes from mass incarceration signal a critical need for more robust interventions and accommodations for people entangled in the criminal justice system and their families. Reforms should:

- Reduce the length of incarceration and expand alternative sentencing options that do not require incarceration and separation from dependents.
- Invest in vulnerable communities to expand educational and employment opportunities for youth and adults and ensure access to quality medical, mental health, and substance use disorder services to address the root causes of crime.
- Protect children from the trauma of mass incarceration by training social workers, police, court personnel, and caregivers on best practices for aiding children with incarcerated parents and by offering parents the tools and support they need to better address their children's needs.

While there should be consequences for breaking the law, this national phenomenon of mass parental incarceration is unique in the world and perpetuates a compounding dilemma.

Assistance for Needy Families, voting, and family reunification (Meyers, this issue). These collateral consequences complicate the reentry process and diminish the likelihood of successful reintegration. Moreover, the stress of repairing frayed relationships with families and children after a prolonged absence, or enduring the termination of parental rights, can exacerbate the challenges of reentry. Indeed, high rates of recidivism – over three-quarters of released prisoners are arrested for a new

- Eliminate arbitrary legal restrictions for people with criminal records that create obstacles to successful reintegration and increase investments in reentry services, including employment training, education, and drug treatment.

Kara Gotsch is director of strategic initiatives at the Sentencing Project. Contact: kgotsch@sentencingproject.org



How Often and in What Circumstances Does Law Enforcement Investigate in Child Protection Cases?

Theodore P. Cross, PhD, Emmeline Chuang, PhD, Jesse Helton, PhD, Seth Boughton, MSW, QMHP, & Emily Lux, MSW

Few disagree that child maltreatment can sometimes be a crime; for example, with most sexual offenses or when physical abuse or serious neglect leads to major child injury or death. Yet we would probably not want the police involved when child protective services (CPS) contacts a family because of reports that children were hungry and ill-clothed at school, or in similar cases. Professional publications have disagreed about the value of a criminal justice response versus a purely therapeutic or family court approach to child maltreatment (Harshbarger, 1987; Levesque, 1995; Newberger, 1987; Peters, Dinsmore, & Toth, 1989). But we know little about how often police investigate in CPS cases and in what circumstances.

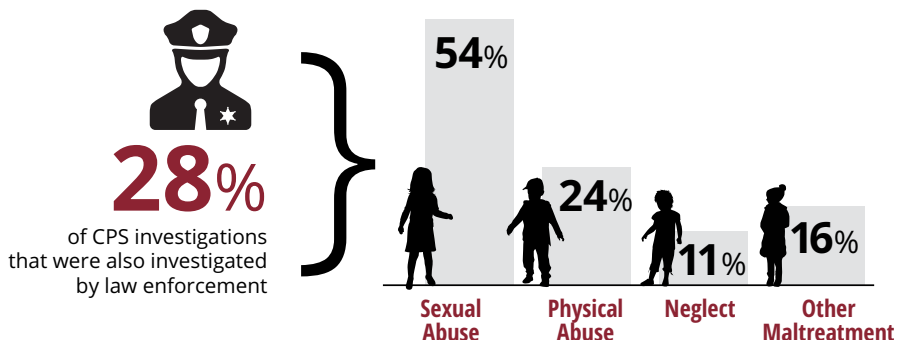
Quite apart from philosophical differences, law enforcement agencies may also vary in their ability and interest in investigating child maltreatment. Moreover, sometimes police and CPS work well together and sometimes they do not (Cross, Finkelhor, & Ormrod, 2005). They come from different cultures: CPS workers sometimes worry that police will antagonize families while police can worry that CPS will tip off perpetrators to flee or destroy evidence. Yet police and CPS need each other's unique skills, which can blend well when their efforts are coordinated (Sheppard & Zangrillo, 1996). Cross and colleagues (2005) found that service delivery in CPS cases was actually more likely when police were involved.

In this article, we summarize our study looking at national data on criminal investigation in CPS cases (Cross, Chuang, Helton, & Luz, 2015). We tried to understand how often it occurs, how it varies between communities, and what individual and community factors predicted whether law enforcement investigated.

We used data from the National Survey of Child and Adolescent Well-Being (NSCAW), a national study of children involved in child protective services investigations in 2008 and 2009 (Dolan, Smith, Casanueva, & Ringeisen, 2011). We analyzed 2,520 cases from 82 agencies in 30 states. The NSCAW research team interviewed the child welfare caseworker who conducted the CPS investigation, the child's caregiver, and the children of appropriate age. We analyzed how frequently the caseworker said there was a criminal investigation, and what factors increased and decreased the chances of a criminal investigation. We had no access to police data.

Overall, law enforcement investigated in 28% of the cases. This rate differed substantially by type of maltreatment: Criminal investigations

Law Enforcement Investigations



occurred in 54% of cases in which sexual abuse was the primary alleged maltreatment, versus 24% for physical abuse, 11% for neglect, and 16% for other forms of maltreatment.

The rate of criminal investigation varied greatly across the 82 agencies, from 0% to 75%. This wide range could not be explained by the laws of chance operating on small numbers of cases per agency: The range was still 0% to 70% when we looked only at agencies with 10 or more cases, and many different rates were represented across that broad range.

In addition to type of maltreatment, the following factors were associated with police investigating:

- Greater harm to the child, as rated by the caseworker
- Greater evidence that maltreatment occurred, as rated by the caseworker
- CPS handling the case as an investigation (rather than as an assessment, in which CPS does not make an official decision about whether or not maltreatment occurred)
- CPS and police writing a memorandum of understanding (MOU), a policy document governing how each will be involved and work together

Over three million CPS investigations or assessments occurred nationally in 2015, the most recent year studied (U.S. Department of Health and Human Services, 2017). Our analysis suggests that more than three-quarters of a million criminal investigations took place in CPS cases that year. This does not include non-caretaker cases in which child maltreatment was investigated solely as a criminal matter, for which we have limited data. Clearly, child maltreatment is considered a potential crime in many cases and much time and effort are devoted to these investigations.

We recommend that communities study their rate of criminal investigation in CPS cases, since our research suggests that the

rate differs depending on the choices each community makes. Every CPS-police MOU should include a provision for data collection and analysis. It is difficult to interpret our results regarding MOUs: Writing MOUs could lead to increased criminal investigation, but also, greater investment in criminal investigation could lead agencies to write MOUs. Nevertheless, communities seeking to increase criminal investigation in CPS cases may find that developing an MOU helps lead to change. The decision to criminally investigate child maltreatment needs more policy attention as well as more scholarly and community study.

Theodore P. Cross, PhD, is a professor in the Children and Family Research Center at the School of Social Work, University of Illinois at Urbana-Champaign. Contact: tpcross@illinois.edu

Emmeline Chuang, PhD, is an Assistant Professor of Health Policy and Management at the Fielding School of Public Health at the University of California at Los Angeles. Contact: emchuang@ucla.edu

Jesse Helton, PhD, is an assistant professor in the School of Social Work at St. Louis University. Contact: Jesse.Helton@slu.edu

Seth Boughton, MSW, QMHP, is statewide human trafficking coordinator with the Ohio Network of Children's Advocacy Centers and a Ph.D. Candidate at the School of Social Work, University of Illinois at Urbana-Champaign. Contact: sbough2@illinois.edu

Emily Lux, MSW, PhD Candidate, is a doctoral student at the University of Illinois at Urbana-Champaign. Contact: ealux@illinois.edu

The Experience of Parental Incarceration: Visible by Choice

Ann Adalist-Estrin, MS

As the number of incarcerated parents in the United States increases, so does interest in their 5.1 million children. An evolution of perspective has moved from seeing this population as not so different from other at-risk children to an understanding of the unique stress of incarceration on families (Adalist-Estrin, 2018).

- Compared to their white peers, African-American and Latino kids are over 7 and 2 times more likely, respectively, to have a parent incarcerated.

These themes also include stigma and shame, conspiracies of silence, loyalty conflicts, continued or worsened poverty, racism in systems and communities, trauma, addictions,

ADHD, ADD, anxiety, asthma, obesity, depression, learning problems, and epilepsy. Children of incarcerated parents (COIP) are also likely to have experienced other ACEs that increase trauma (Murphy & Cooper, 2015). The ACE study explains many of the themes in the lives of families, but it can also be used to blame parents and caregivers for these early experiences in the lives of their children.

Discussion of ACEs and trauma typically includes the importance of attachment figures as protective factors (Asok, Bernard, Roth, Rosen & Dozier, 2013; Franke, 2014). Children with incarcerated parents are rarely included in that larger discussion and when they are the importance of supporting their incarcerated parent or caregivers as protective buffers is minimized. When we interpret the ACEs literature only through a child maltreatment lens, the meaning that gets made (even unintentionally) is that children were harmed by the incarcerated parent and would be better off without them. While this may sometimes be true, it is more likely that the caregivers and incarcerated parents are potential supports for their children. Seeing them as such, gives a different meaning to the loss. It becomes more profound and less easy to set aside (Adalist-Estrin, 2014).

Supporting the idea that incarcerated parents can be a source of support is their report of the need to stay involved in their children's lives (Adalist-Estrin, 2009). This requires that they have opportunities to visit with their children, take part in school and child welfare conferences by phone, and receive children's school and health information (see Smith & Shlafer, this issue). An obstacle to this process may be a generalized belief that children will follow their parents to prison. The trauma literature helps to reframe this "cycle of incarceration" notion frequently promoted by media and practitioners. The exact prevalence of intergenerational incarceration is both unclear and widely debated, as is the causality of the claim. Conway & Jones (2015) assert that COIP are about three times as likely as other children to become incarcerated, which challenges the often used 7-out-of-10 statistic. They also remind us that causal patterns are rarely identified. Unfortunately, research has yet to effectively connect ACEs, trauma, or racism, to intergenerational patterns. Therefore, the "apple doesn't fall far from the tree" ideas still influence policy. COIP who have become involved with the child welfare system insist that hearing they are doomed to become incarcerated increases stigma (Youth.gov, 2016). For these reasons, we need to encourage

Supporting the idea that incarcerated parents can be a source of support is their report of the need to stay involved in their children's lives.

This awareness of the collateral consequences of mass incarceration on families has led to many more opportunities for families to define the problems and design solutions. As a result, the themes and variations in their circumstances and needs are more visible, confirming that this is not one monolithic group. There are however, themes in their narratives:

- A majority are children with incarcerated fathers, living with their mothers who are often single with limited education.
- 8-10% are children of incarcerated mothers, most often living with grandparents.
- 10-15% are in foster care.
- They are typically living in low-income families of color.
- 50% are under 9 years old.

and lack of available resources and relevant supports (Annie E. Casey Foundation, 2016).

Caregivers and adult children of the incarcerated struggle with who to tell and what to say about the incarceration of their family members (Adalist-Estrin, 2016). They believe they are judged by schools (Dallaire, Ciccone & Wilson, 2010) and worry about child welfare intervention (Hairston, 2008). The Adverse Childhood Experiences (ACE) Study (Felitti & Anda, 1998) links childhood trauma with poor adult health outcomes. Caregivers and incarcerated parents often report personal histories that include multiple ACEs. When further examining the connection between ACEs and child outcomes, Turney (2014) found having an incarcerated parent often doubled a child's likelihood of being diagnosed with stress related conditions including



The Impact of Collateral Consequences of Criminal Conviction on Children and Families

Roberta Meyers, MS, BS

Mass incarceration and the culture of over-prosecution have enormous impacts on the child welfare system. Collateral consequences of convictions affect entire families and communities, and it is critical that policy-makers and child welfare practitioners understand the implications of parental engagement with the criminal justice system (Mauer & Chesney-Lind, 2002).

Confluence Between Criminal Justice and Child Welfare

The majority of incarcerated adults are parents of minor children (Glaze & Maruschak, 2008). Each year, 14,000 minor children whose parents are incarcerated are placed into the foster care system (U.S. Government Accountability Office, 2011). After returning home, a parent's criminal record often creates barriers to basic opportunities such as employment, housing, educational advancement, driving privileges, or eligibility for safety net programs (Legal Action Center, 2004).

Consequently, child welfare workers are likely working with families entangled in the justice system and are entrenched in their experiences of collateral consequences resulting from a criminal conviction (Heck, 2014). In general, people with criminal records experience difficulties that often stem from:

- a lack of income or other resources necessary to cover life expenses;
- the stress of managing competing demands from multiple sources (e.g. correctional agencies, courts, families, jobs, mental health and treatment providers); and
- working to overcome the stigma of a criminal record and related barriers to opportunities.

Over 60 percent of formerly incarcerated individuals are unemployed one year after being released, and those who do find jobs take home 40 percent less pay annually than individuals who were not formerly incarcerated.

Background Screening: Broadly Used and Often Misunderstood

Criminal background screening is the primary feature of application processes in numerous industries. Nearly 90 percent of employers conduct criminal background screens (Society for Human Resource Management, 2012). Most housing providers ask about criminal histories on leasing applications and often discourage anyone with a criminal history from applying (Legal Action Center, 2016). Criminal



history questions also can be found on college admission applications (Weissman et al., 2010). Insurance companies may collect criminal record information before issuing life, auto, and home insurance policies and commercial bonding (Attias, 2016).

Criminal record reports, known as Records of Arrest and Prosecution (or RAP sheets) include information from a variety of sources and may be obtained from police departments, criminal justice agencies, courts, or consumer reporting agencies. Notably, they often include records of arrest even if there was no conviction or in some cases, no prosecution. This means that criminal record reports are notoriously inaccurate or incomplete, but still lead to denials, exclusions, and lost opportunities for many people (Yu & Dietrich, 2012).

Although the U.S. Equal Employment Opportunity Commission (2012), the U.S. Department of Housing and Urban Development (2016), and the Department of Education (2016) have issued guidance to

discourage flat bans that exclude people with criminal records, very few states or localities have anti-discrimination laws that protect the civil rights of job-seekers, renters, or prospective students with criminal records (Legal Action Center, 2016; Rodríguez & Avery, 2016; Weissman et al., 2010). Also, there are no federal anti-discrimination laws that explicitly protect people from being unreasonably excluded from employment, housing, or higher education based solely on their criminal records.

Barriers to Employment are Costly to Families and Communities

The employment limitations experienced by people with criminal records cost the economy as much as \$65 billion per year in terms of the gross domestic product (Schmitt & Warner, 2010). Over 60 percent of formerly incarcerated individuals are unemployed one year after being released, and those who do find jobs take home 40 percent less pay annually than individuals who were not formerly incarcerated (Hamel, Firth & Brodie, 2014).

In addition to the impact of incarceration on a parent's economic opportunities, individuals who have been incarcerated must often fulfill multiple obligations that may be difficult to manage and may interfere with their desire to be reunited with their family. They may be required to comply with conditions made by a community supervision agency such as parole or probation that further limits opportunities for employment or engagement in educational or rehabilitative services.

In conclusion, parents with criminal records face a variety of legal and practical challenges that may directly or indirectly affect their families. Child welfare workers who take the time to understand some of the collateral consequences of convictions faced by these parents should be willing to offer patience and assistance to those who are committed to changing their lives and reuniting their families. It is important for child welfare workers to locate and connect parents to re-entry programs and other programs that support individuals who face barriers due to criminal records.

Roberta Meyers, MS, BS, is director of National H.I.R.E. Network at Legal Action Center. Contact: rmeyers@lac.org.

The Intersection of Parental Immigration Status and Child Welfare Involvement

Alan J. Dettlaff, PhD

Changes in immigration trends over the past two decades have changed the demographic profile of the United States considerably. Not only have the numbers of foreign-born immigrants living in the United States increased, but also a larger proportion of this population consists of children and families. Today, nearly one-quarter of all children in the United States are living in immigrant families (Migration Policy Institute, 2017).

Children in immigrant families have historically been considered at increased risk for maltreatment as a result of the challenges experienced by their families following migration. However, the extent to which children in immigrant families come to the attention of child welfare systems has been documented only recently. In a seminal study, Dettlaff and Earner (2012) found that children living with a foreign-born parent comprised 8.6% of all children who come to the attention of the child welfare system, suggesting that children of immigrants are considerably underrepresented among children involved with the system, given their proportion of the general population. Further, no significant differences were found in the overall rates of maltreatment between children with immigrant parents and children with U.S. born parents. This finding suggests that although immigrant families may face a number of risks resulting from their immigration experience, the strengths within immigrant families may serve as buffers against those risks. A number



custody and placement, immigration law does not recognize children's interests as a factor in the immigration decisions concerning their parents. This can lead to severe consequences for families whose members have mixed immigration statuses.

administration, ICE expanded operations to arrest and deport immigrants with serious criminal records. The 287(g) program, part of the U.S. Immigration and Nationality Act, allows local law enforcement officers to be deputized to enforce immigration laws. ICE also expanded the Secure Communities program which allows for screening of immigration status of all inmates at the local level. This increase in immigration enforcement has continued throughout the Trump administration: Following his announcement of two executive orders expanding the list of immigration enforcement priorities, millions of undocumented residents are at risk of deportation. The cumulative result of these increased enforcement efforts is that millions of children are now vulnerable to experiencing not only separation from their parents, but also the possibility of child welfare intervention.

No matter how children of immigrants enter the child welfare system, once they become involved, they face unique challenges to family reunification. Many child welfare systems do not understand the complexity of immigration law and are ill-equipped to assist children or parents in addressing these issues. Additionally, immigration status can create barriers to reunification, as parents may be unable to participate in certain

Many child welfare systems do not understand the complexity of immigration law and are ill-equipped to assist children or parents in addressing these issues.

of subsequent similar studies have reinforced this finding (Berger Cardoso, Dettlaff, Finno-Velasquez, Scott, & Faulkner, 2014; Johnson-Motoyama, Dettlaff, & Finno, 2012).

While this emerging body of research has begun to shed light on the involvement of immigrant children in the child welfare system, what remains unknown is the extent to which parental immigration status and immigration enforcement has influenced this involvement. Anecdotal reports suggest this is indeed a growing occurrence, which is very concerning as these children are typically not maltreated and have entered foster care solely because of the apprehension of their parents. While courts handling child welfare cases operate under statutes requiring that children's best interests be considered in decisions regarding their

Enforcement activities conducted by Immigration and Customs Enforcement (ICE) have increased significantly over the past decade. The period between 2005 and 2008 saw a particularly large increase in enforcement efforts, with several highly publicized worksite enforcement operations (Cervantes & Lincroft, 2010). Although worksite raids were suspended under the Obama administration, the high levels of apprehensions and deportations have remained consistent. Between 2009 and 2013, nearly 500,000 parents were deported from the United States (American Immigration Council, 2017). In large part, these numbers can be attributed to increased cooperation between local law enforcement and the Department of Homeland Security. Under the Obama

How does Incarceration Affect the Likelihood of Reunification?

Amy C. D'Andrade, PhD

Incarcerated parents with children in foster care are entitled to a period of reunification services just as non-incarcerated parents are, and agencies must provide the same “reasonable efforts” to assist them just as they must to non-incarcerated parents (Child Welfare Information Gateway [CWIG], 2015). However, reunification can be challenging for incarcerated parents for a number of reasons. Incarceration can make visitation between parents and children more difficult and problematic due to travel time and prison protocols, and it can hinder communication between agency personnel and parents (CWIG, 2015; Government Accountability Office [GAO], 2011). And critically, there may be limited treatment services available in jails and prisons, making it difficult for parents to comply with their reunification case plans (GAO, 2011; Glaze & Maruschak, 2008).

Since the Adoption and Safe Families Act of 1997 shortened timeframes to work toward reunification before seeking a termination of parental rights, it is important that parents access and use ordered services without delay.

Numerous scholars have voiced concerns regarding how these barriers can hinder an incarcerated parent’s likelihood of reunification (Beckerman, 1998; GAO, 2011; Halperin & Harris, 2004), but unfortunately there is little data or evidence available to help us understand the problem (GAO, 2011). To explore the issue, I conducted a study with my colleague Melanie Valdez, using a dataset funded by the California Social Work Education Center (CalSWEC) (D’Andrade & Valdez, 2012). Using a sample of 225 reunifying parents with children in foster care in one Northern California county, our study explored associations between incarceration, parent-child

visitation, and parents’ service use; and tested the effect of incarceration on reunification.

We found that overall, incarceration was not an uncommon experience for parents attempting to reunify with their children. Approximately 40% of parents in the sample were incarcerated at some point in the case – at the time of the child’s removal, during the period of reunification services, or during both periods (see Figure 1). Incarceration was associated with negative outcomes: Incarcerated parents were less likely to comply with service orders than non-incarcerated parents and less likely to comply with visitation orders as well (see Figure 2). Incarcerated parents were also much less likely to reunify: Only about 20% of parents incarcerated during the period of reunification services reunified, compared to almost half of parents who were not incarcerated during this period. When incarcerated parents did reunify, they did so more slowly than their non-incarcerated counterparts.

Incarcerated parents also had more mental health, substance abuse, and domestic violence problems than did non-incarcerated parents. Perhaps it was these issues, not incarceration, which interfered with reunification success. We reexamined the data when controlling for these factors as well as age and ethnicity, and still saw a negative effect of incarceration on reunification: Parents incarcerated during the period of reunification services were only about 30% as likely to reunify as non-incarcerated parents. This suggested that it was not the problems of mental health, substance abuse, and domestic violence behind the association between incarceration and reunification. But was it due to difficulty accessing services from prison, as we believed?

To examine this, we took another look at the data, this time incorporating parents’ service use. If the negative association of incarceration with reunification was primarily related to parents’ difficulties accessing and using services, we would expect to see the association of incarceration with reunification reduced in this model. This is what we found: For mothers and fathers, the negative association of incarceration with reunification weakened, and was no longer statistically significant when parents’ service use was taken into consideration. Not surprisingly, service compliance was strongly related to reunification.

Findings in this study suggest that increasing incarcerated parents’ access to treatment services while in jail or prison would increase their likelihood of successful reunification. Also important is improving collaboration between criminal justice systems

Figure 1: Timeframe of Parental Incarceration During CP Case

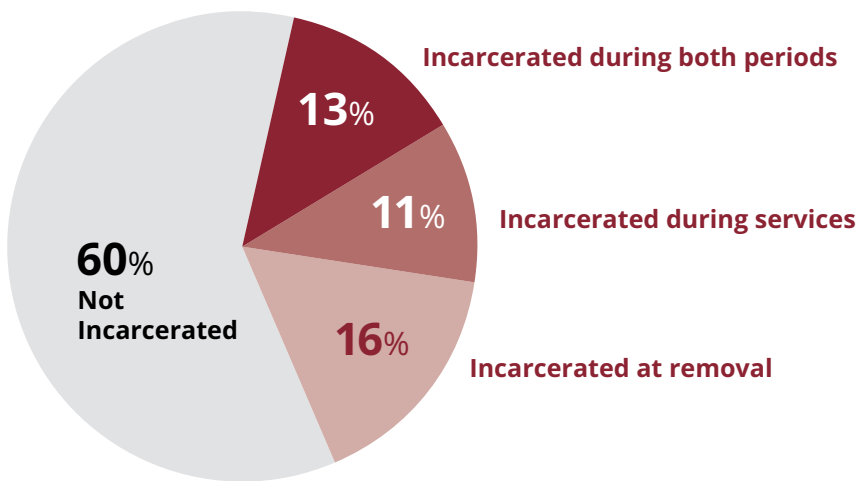
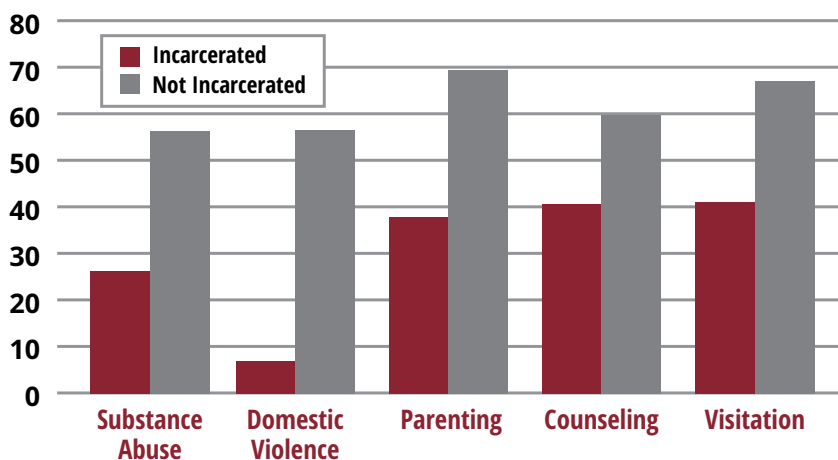


Figure 2: Percentage of Parents Attending Ordered Treatment Services



Family Resilience in the Context of Criminal Justice and Child Welfare

Ann S. Masten, PhD, LP, and Hayley A. Rahl, BS

In the context of adversity, family resilience is critical to child development and needs to be a central concern for systems engaged with children and families, including criminal justice and child welfare. Resilience generally refers to the capacity of a system to overcome challenges posed by adversities, drawing on protective processes at many levels of the individual and their environment. In human development, the resilience of individuals, families, communities, societies, and ecological systems are embedded and interconnected (Masten, 2014, in press; Walsh, 2016). Child resilience depends on resilience in the family as well as systems within the child (e.g., immune system) and the broader environment.

Studies of naturally occurring family resilience, as well as interventions to enhance child well-being by building family resilience, make a compelling case for viewing the goals and strategies of criminal justice and child welfare systems through a multi-generational resilience lens.

Criminal justice and child welfare systems face unique challenges in promoting resilience of children and families (Cooley et al., 2017; Ungar et al., 2014). These systems are called upon to intervene in the midst of crises when children are vulnerable and families are overwhelmed. Parents may be depleted from trauma or chronic stress; may have significant physical health, mental health, or substance abuse issues; or may lack the skills and knowledge necessary for parenting. Families may require substantial support to stabilize from a crisis and begin recovery.

In cases of incarceration or out-of-home placement, criminal justice and child welfare systems intervene in complex family dynamics. There are risks for inadvertently escalating family violence, imposing economic hardship, or adding stress related to separation and loss. Separations due to parental incarceration, for example, are linked to many poor outcomes for children (see Adalist-Estrin, this issue). Thus, when parents are incarcerated, it is important to maintain parent-child relationships (Poehlmann, Dallaire, Loper, & Shear, 2010). Positive relationships during separation also forecast successful reintegration following incarceration (Markson et al., 2015).

In addition to providing unique challenges, interventions in the midst of crisis can offer unique opportunities for strengthening families. Parenting interventions can be crucial for facilitating a positive cascade of changes in the family (Doty, Davis, & Arditti, 2017). Resources can be directed to the child's caregivers in order to foster their capacity to

support their child's emotional, physical, and social development. Moreover, it is important for the child welfare and criminal justice systems to aim beyond survival to longer-term goals of thriving in children and families (Huebner et al., 2016). In the short term, providing resources needed by a child or family to endure is reasonable for governmental and non-profit agencies. In the longer term, especially when the bar is raised from surviving to thriving, it is essential to shift the goal toward building resilience capacity in the family.

The literature on family resilience continues to expand but consistent findings offer valuable guidance (Henry, Morris, & Harrist, 2015;

Masten, 2014; Masten & Palmer, in press; Masten, in press) (see sidebar.)

The evidence on successful interventions for children and families aligns well with this list of family resilience factors. Child-parent psychotherapy, with intensive training on parenting skills, stress management, and developing social support, has been shown to improve attachment quality in parents of infants who have been maltreated (Cicchetti, Rogosch, & Toth, 2006; Toth & Gravener, 2012). The Oregon Model of Parent Management Training, with a focus on enhancing parental skills in monitoring, skill encouragement, limit-setting, problem-solving, and positive involvement, has been shown to reduce risk for behavioral and emotional problems in preschoolers placed in out-of-home care. (Chamberlain & Reid, 1991; Fisher, Burraston, & Pears, 2005; Forgatch & Gewirtz, 2017; Forgatch & Patterson, 2010). Additional evidence-based interventions for families involved in the child welfare system include Multidimensional Treatment Foster Care (Leve, Fisher, & Chamberlain, 2009), as well as Functional Family Therapy, Multi-Systemic Therapy, and Multi-Dimensional Family Therapy (Lebow, 2006). Parenting interventions in the criminal justice system have aimed at strengthening family connections by reducing barriers for visitation in order to increase parent-child contact (see Smith & Shlafer, this issue).

Studies of naturally occurring family resilience, as well as interventions to enhance child well-being by building family resilience,

Protective qualities of families associated with greater child well-being

- Sensitive and nurturing caregiving
- Skilled parent management and discipline tailored to the child
- Warmth and structure
- A sense of belonging for all family members
- Positive views of the family and family identity by family members
- Shared family purpose and meaning
- Family routines and rituals
- Optimism, hope, faith, and positive outlook on life
- Collaborative problem solving



make a compelling case for viewing the goals and strategies of criminal justice and child welfare systems through a multi-generational resilience lens. Although the existing evidence is promising, further research is needed to tailor interventions in criminal justice and child welfare systems to match the needs of families and children. Child welfare and criminal justice systems can align their efforts to support and bolster protective processes that simultaneously mitigate risk and support resilience in children as well as families.

Ann S. Masten, PhD, LP, is regents professor of child development in the Institute of Child Development at the University of Minnesota. Contact: amasten@umn.edu

Hayley A. Rahl, BS, is a graduate student in the Institute of Child Development at the University of Minnesota. Contact: rahlx002@umn.edu

Substance Use Disorders in Pregnancy: Disadvantages of a Punitive Response

Katya Dunn, and Katrina Hui, MD, MS

Substance use disorders (SUD) in pregnancy are an entrenched medical concern within the child protection system, which often fails to adequately support women with SUD and often worsens the complex biopsychosocial factors that contribute to the problem. Research has shown that women with SUD are more likely to have lower incomes, lower education, and greater health and mental health problems (Kotelchuck et al., 2017). Child protection services (CPS) and the healthcare system need to work together toward comprehensive treatment for women with SUD and their families.

Prenatal and perinatal substance use is an essential public health concern. Rates of substance use in pregnancy are high (see Figure 3), with the most common being nicotine, followed by alcohol, then illicit drugs (U.S. Department of Health and Human Services, 2012). SUD in pregnancy is often associated with increased rates of mental illness, environmental stressors, and disrupted parental care that can co-occur and impact maternal and infant consequences. While negative impacts differ based on the drug used, degree of use, and point of exposure, these effects are compounded by poverty, poor nutrition, domestic violence, chronic medical problems, and inadequate prenatal care (Forray, 2016). On the other hand, long-term effects of certain substances may be overblown; there is little evidence of significant

lasting effects from methamphetamines, cocaine, and marijuana (Behnke & Smith, 2013).

Women who receive some treatment for SUD have fewer adverse birth outcomes (Kotelchuck et al., 2017). Unfortunately, there is a marked gap between those who need treatment and those who receive it. One

There has been an upsurge in punitive policies toward women who use alcohol or other substances during pregnancy (Drabble, Thomas, O'Connor, & Roberts, 2014), although there is no evidence that these measures help lower rates of substance use and further, may increase avoidance of prenatal care (Barnard &

One national study found that although 12 percent of maltreatment reports involve caregiver substance use disorder, only 19 percent of those were referred to treatment as part of their case plan.

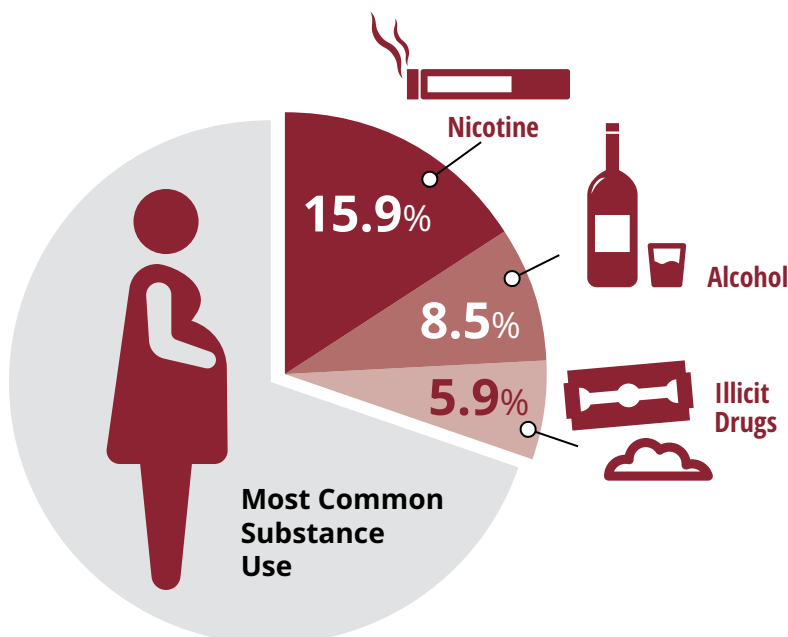
national study found that although 12 percent of maltreatment reports involve caregiver SUD, only 19 percent of those were referred to treatment as part of their case plan (Steenrod & Mirick, 2017). In another study, women with SUD had greater emergency department visits and hospitalizations during pregnancy, yet utilized ongoing prenatal care at a lower rate compared to women without SUD. In addition, women who were younger, Black or Hispanic, less educated, lacking private insurance, unmarried, and with diagnosed health or mental health issues were less likely to receive care, demonstrating a need to increase access for women in vulnerable populations (Kotelchuck et al., 2017). Helping women with unmet SUD treatment will require increased engagement with effective treatment strategies.

McKeganey, 2004; Jessup, Humphreys, Brindis, & Lee, 2003). Pregnant women with SUD access prenatal care at lower rates due to barriers connected to and separate from their substance use. Unrelated barriers include problems with transportation, financial barriers, homelessness, and difficulty obtaining insurance. Social isolation for fear of stigma, prioritizing use, fear of substance use being identified by health care providers, and the fear of being reported to CPS also play a role (Roberts & Pies, 2011).

Eliminating punitive policies that pregnant women face for substance use and which establish barriers for those who seek help is essential. This includes laws that punish women for child abuse under existing child welfare statutes (Stone, 2015). Similarly, mandatory reporting laws in eighteen states and mandatory testing laws in four states are similarly detrimental (National Advocates for Pregnant Women, 2016). Even in the absence of these mandates, many clinicians violate confidentiality by reporting patients to authorities (Paltrow & Flavin, 2013). It is important to also note that women with lower incomes and women of color are reported at higher rates, even though rates of substance use are similar across racial and socioeconomic backgrounds (Roberts & Nuru-Jeter, 2012).

The United States should opt for more multipronged interventions instead of punitive measures (Hui et al., 2017). Rehabilitation ought to be expanded with services for the specific needs of pregnant women. Only 17 percent of rehabilitation facilities have adequate programs for pregnant and postpartum women with SUD (National Survey of Substance Abuse Treatment Services, 2013), and only seven states prioritize pregnant women for access to treatment (Kotelchuck et al., 2017). Approaches such as harm reduction and contingency management programs will promote decreased rates of substance use. Furthermore, the expansion of public services and increased

Figure 1: Substance Use in Pregnancy



Best Practices for Working with Incarcerated Parents who have Children in the Child Welfare System

AshLee Smith, MPP, and Rebecca J. Shlafer, PhD, MPH

The intersections between the criminal justice and child welfare (CW) systems are complex. Navigating these complex systems may be particularly challenging for incarcerated parents with children in the CW system, as well as the professionals who work with these families. In some instances, a parent's involvement in the CW system may precede a period of incarceration. In other instances, a parent's incarceration may prompt a child protection case to open. And still in other instances, a single incident may result in a child protection petition and a parent's incarceration. In this article, we outline best practices for CW professionals working with parents who have children involved in the CW system during and after the parent's incarceration.

During a Parent's Incarceration

Parent-child contact during a parent's incarceration is a key issue for children, incarcerated parents, caregivers, and professionals who serve them (Poehlmann, Dallaire, Loper, & Shear, 2010). Child welfare workers often play an important role in providing information to the court in order to determine whether or not parent-child contact is in the child's best interest. When making this determination, there are many factors for CW workers and the court to consider, including the child's age, trauma history, parent-child relationship pre-incarceration, and the plan for reunification.

Contact during a parent's incarceration is vital to maintaining the parent-child relationship and has important implications for children's adjustment (Shlafer, Loper, & Schillmoeller, 2015). When parent-child contact (e.g. phone calls, letter writing, in-person visits) is determined to be in the child's best interest and is court-ordered, CW workers can assist with coordinating, facilitating, and monitoring this contact. Correctional facilities have different policies and procedures regarding contact, and it's important for CW workers to know where a parent is incarcerated and how the correctional facility's policies may impact parent-child contact. For example, correctional facilities often have specific days and times for visitation. If visits are court-ordered to be supervised, CW workers may encounter additional challenges in coordinating them. The rules of the correctional facility may also impede a parent's ability to meet the requirements for the frequency of contact outlined in their case plan. Furthermore, few correctional facilities offer visiting environments that are child friendly. As such,

CW workers must balance the less-than-ideal visiting environment with the trauma that may result from continued separation and the court's expectations for parent-child contact as a part of the reunification plan.

Child welfare workers may have opportunities to work closely with a correctional facility to facilitate contact that supports the child's developmental needs and the parent-child relationship. Child welfare workers should inquire with the prison's parenting coordinator or the parent's case manager about opportunities for the parent to participate in supportive visitation or educational programming to support reunification. Examples of this can include

Contact during a parent's incarceration is vital to maintaining the parent-child relationship and has important implications for children's adjustment.

parenting education, anger management, extended visiting, and co-parenting education (i.e., support for raising a child in collaboration with the custodial parent/guardian). Many correctional facilities now offer programs to support incarcerated parents and their children. For example, in Hennepin County, Minnesota, incarcerated parents can participate in a family literacy program called "Read to Me." Parents who participate learn about the public library resources, audio-record a story that is mailed home with the book to their child, and receive a library card to use upon release.

Whenever possible, CW workers should have direct and ongoing communication with the parent's correctional facility case manager. Such communication can ensure that the conditions of reunification can be reasonably met during the parent's incarceration, and that the programs and services needed in order to comply with the parent's case plan are available and well-coordinated.

After a Parent's Incarceration

People leaving prison or jail often face considerable barriers that compromise their successful re-entry (see Meyers, this issue). Parents with felony records or those with housing restrictions due to their criminal

convictions may have few, if any, safe and suitable options where they can live with the goal of reunifying with their children. Open and consistent communication between the parent, CW worker, and parole officer can help ensure that the parent is getting the services they need to stay out of prison and successfully parent their children; that programs and services meet the requirements for parole and child protection; and that services aren't duplicative. To that end, the Department

Continued on page 33



After the Disclosure: Person-centered Responses to Child Sexual Abuse

Angela Lewis-Dmello, MSW, LICSW, and Julie Stauffer, MSW, LICSW

A child's disclosure of their sexual abuse experience can be bewildering, and professionals often wonder what to do, and how to help and not harm. Though statute and agency policy provide some straightforward answers about who is mandated to report, and the process (see Child Welfare Information Gateway, 2015), they rarely address what to do in the moment and what happens next.

and what – and only the basics of these. Asking further questions at the time of disclosure may create challenges for the child as well as for the investigation.

The response of the professional receiving the disclosure can impact the child's comfort, sense of safety, and whether they might later shut down or recant their statements. Mandated reporters should feel empowered

In trauma-informed practice, being transparent and offering choices are principle values, which center services and support on the child and family. During a criminal investigation, however, these values may conflict with needs of the investigation and can undermine the strength of the criminal case. For example, a mandated reporter may be tempted to encourage a child to disclose to a protective parent as an act of empowerment and healing, but, due to concerns about the influence of adults on the child's disclosure process, doing this can inadvertently negatively impact the investigation. Throughout the process it is essential to prioritize the child's immediate safety and stability, which may be tied to resolution through the investigation.

Disclosure of abuse is a process, and many child abuse victims never tell their stories, or may not share until well into adulthood (Bottoms, et al., 2016; Lyon & Ahern, 2011; Olafson & Lederman, 2006). Children may disclose incrementally, sharing only parts of their story, to see whether disclosure results in increased safety or emotional well-being.

Throughout the process it is essential to prioritize the child's immediate safety and stability, which may be tied to resolution through the investigation.

Being entrusted with a child's disclosure means taking responsibility for receiving and holding that disclosure and passing it on appropriately. It is essential to listen without judgment, without attempting to determine the validity, and without attempting to gather more details. Typically, for an investigation to commence, the only information needed is who

to give the child supportive messages such as "Thank you for telling me," "Your safety is very important," "The abuse you have experienced is not your fault," and "It was brave of you to share your experience." These messages can be crucial to the child's mental health. Children deserve to be believed and affirmed when they disclose experiences of abuse.



Adults should respect each child’s individual needs and process, knowing that rarely is the entire narrative shared at one time in sufficient detail. This is due to the nature of traumatic memory, which is fragmented and often has gaps (van der Kolk, 2014), and also because of the child’s level of fear and avoidance. Children often do not share with those they love the most. They may fear their loved one’s hurt, disappointment, or anger and may want to protect them or protect themselves.

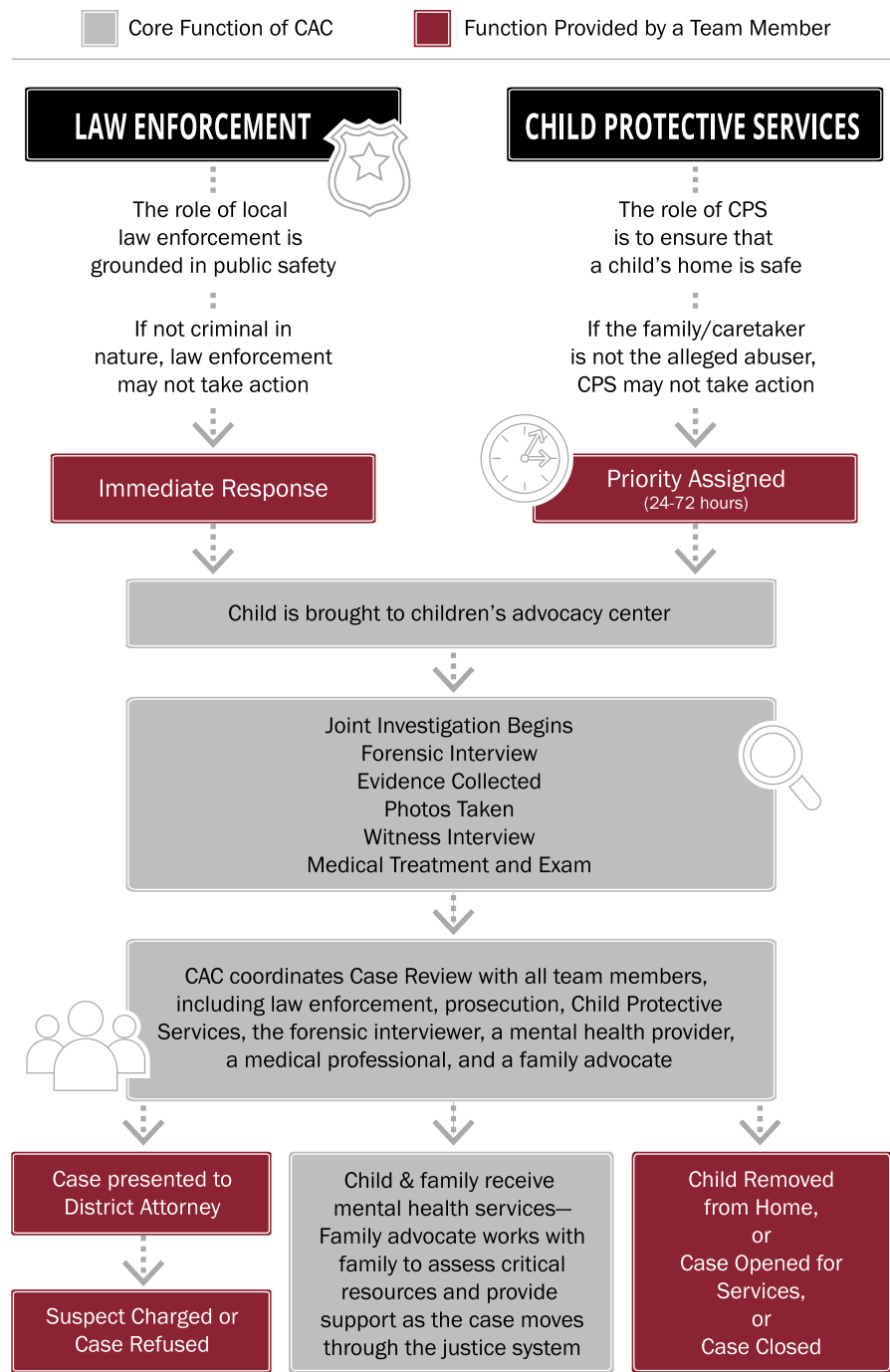
Upon receiving the disclosure, the next step is to report to investigating agencies – typically law enforcement and/or Child Protective Services. What happens next may vary from one jurisdiction to another. See sidebar for an example. Typically, individual agencies will

The forensic interview is developmentally appropriate, encourages accurate information, and is mindful of minimizing or avoiding possible trauma.

determine if an investigation will be opened, and once determined, involved agencies collaborate using a multidisciplinary team (MDT) approach. Background information is gathered, with a forensic interview of the alleged child victim typically occurring early in the investigation. A forensic interview is a neutral, fact-finding interview conducted by a trained interviewer for the purpose of allowing an individual to share details about experiences of concern if such have occurred. The forensic interview is developmentally appropriate, encourages accurate information, and is mindful of minimizing or avoiding possible trauma.

In many communities, such interviews occur within a children’s advocacy center (CAC). CACs exist to provide a safe, comfortable place for children to tell their stories, centralizing the MDT so that each child can share their story just once during the investigation. CACs provide services in addition to forensic interviews, including coordination of the MDT, coordination or provision of specialized medical services, and providing or facilitating access to advocacy, mental health, and other supportive services to the child and their family. In communities without a CAC, forensic interviews will occur in other settings and similar services may be available. Following the forensic interview the investigation continues, and decisions are made regarding child protection determinations, criminal prosecution, or other responses. Concurrently, families access services to help them feel safe and to heal from the effects of child abuse.

How Does the Children’s Advocacy Center Model Work?



Infographic credit: National Children’s Alliance & CACTX

The path toward healing from trauma is not dependent upon, or necessarily promoted by, a judicial response; however, the child and family will benefit when these entities work in concert with each other. For this to happen effectively – investigation, safety, protection, justice, or healing – the child must have a voice, and their voice must be heard.

Angela Lewis-Dmello, MSW, LICSW, is family service director at CornerHouse. Contact: Angela.LewisDmello@childrensmn.org

Julie Stauffer, MSW, LICSW, is a forensic interviewer and trainer at CornerHouse. Contact: Julie.Stauffer@childrensmn.org

Expanding the Role of Drug Treatment Courts to Prevent Child Maltreatment

Elizabeth J. Gifford, PhD, Lindsey M. Eldred, JD, and Frank A. Sloan, PhD

High rates of substance use afflict adults in the criminal justice system. For the children of these adults, parental substance use and criminal justice involvement are risk factors for experiencing child abuse and neglect and for being placed into foster care (Ammerman et al., 1999; Murray & Farrington, 2008; Phillips, Burns, Wagner, & Barth, 2004; Turney, 2014). In the United States, the criminal justice system is a major point of entry into substance use treatment services—through referrals to community substance use treatment, provision in jails and prisons, and to a lesser extent through referring defendants to adult drug treatment courts (DTCs) (U.S. Department of Health and Human Services, 2016). Adult DTCs, created in 1989, are one of the most studied criminal justice programs—with findings generally indicating that these programs reduce recidivism and drug use while saving public dollars through reduced incarceration (Marlowe, 2010; Mitchell, Wilson, Eggers, & MacKenzie, 2012; Rossman, Roman, Zweig, Rempel & Lindquist, 2011). However, we are aware of only one study that has examined children's involvement in Child Protective Services (CPS) following parents' involvement in an adult DTC program (Gifford, Eldred, Sloan, & Evans, 2016). This study found no evidence that parent participation in an adult DTC program reduced their child's risk of being reported to CPS. On the contrary, it revealed a high rate of referral (1 in 5 children) to CPS in the 1 to 3 years following the initial referral to the DTC (Gifford et al., 2016). DTCs offer an opportunity to improve system delivery and prevent children from experiencing CPS involvement.

Adult DTCs are effective in reducing criminal behavior and drug use. Expanding the range of services offered by these courts to meet a variety of participants' needs may increase their benefits. Some adult DTCs have begun to make this transition (National Drug Court Institute, 2017). Family DTCs were created partially in response to the 1997 Adoption and Safe Families Act. Requiring states to file a petition to terminate parental rights for children in foster care within prescribed timelines created incentives to help parents initiate substance use treatment services sooner. Family DTCs have been shown to reduce the length of time children spend in foster care, and increase the probability of family reunification (Gifford, Eldred, Vernerey, & Sloan, 2014). However, their reach is limited with only 300 courts across the country.

Two significant differences between family DTCs and adult DTCs may explain



the discrepancies in their ability to improve child outcomes. First, family DTCs operate within the civil court system and aim to help substance-using parents regain or retain custody of their children. This contrasts with adult DTCs which are based in criminal courts and contain elements that may affect one's motivation to complete treatment. For example, requiring the defendant to plead guilty or participating to avoid criminal penalties. Second, family DTCs coordinate services with social service agencies, and couple substance use treatment with other supports that participants need, such as parent

CPS suggests that therapeutic courts could play a role in addressing families' needs. While therapeutic courts are not without criticism (Murphy, 2012), they serve as one mechanism to support a rehabilitative model that can allow defendants to fulfill their multiple social roles (e.g., as a parent, as an employee) while receiving treatment under the supervision of the penal system. Courts serving parents may consider partnering with substance-use treatment providers that use evidence-based programs. For example, the children of fathers who received behavioral couples therapy benefited more than the children whose father's

Family DTCs have been shown to reduce the length of time children spend in foster care, and increase the probability of family reunification. However, their reach is limited with only 300 courts across the country.

skills training and emotional management. In contrast, adult DTCs partner with professionals from the criminal justice system such as probation officers or the sheriff's department, and focus more narrowly on treating addiction and preventing further criminal behavior. The therapeutic value of the adult DTC for parents of minor children might be improved by fostering relationships with social service agencies in addition to criminal justice agencies. The court should also consider how their decisions affect family preservation and substance use treatment. For instance, substance users often experience relapses during the recovery process, but these relapses may result in jail time or other penal outcomes for those in adult DTCs (Fulton Hora, 2002). This can be contrasted with family DTCs, which are set up to account for relapses in a non-punitive way.

The overlap between the parents who are involved with the criminal justice system—regardless of their involvement with a DTC program—and their children's involvement with

substance use treatment was individual. (Kelley & Fals-Stewart, 2002; Ruff, McComb, Coker, & Sprenkle, 2010). Courts may also partner with community providers who can address children's health, education, and social service needs. While family participation in such services would be voluntary, the court may be able to facilitate access by ensuring families understand which resources are available in their community.

Elizabeth Gifford, PhD, is an assistant research professor at the Sanford School of Public Policy at Duke University. Contact: beth.gifford@duke.edu

Lindsey Eldred, JD, is a senior research scholar at the Sanford School of Public Policy at Duke University. Contact: lindsey.eldred@duke.edu

Frank Sloan, PhD, is a professor in the Economics Department at Duke University. Contact: Fsloan@duke.edu

Seeing Fathers Through Invisible Barriers: Engaging Dads for the Children

Andrew Freeberg, PhD

When it comes to breaking down barriers to increase the odds that children thrive, fathers represent one of society's greatest untapped resources. Most of us acknowledge the importance of positive, involved fathers in the lives of children. However, within the stress and intensity of working with families in crisis, we

For many fathers with low incomes, barriers to being involved with their children stem from a history of being overlooked and systematically ignored. These barriers fall into several categories: 1) lack of information and rights, 2) tangible barriers, and 3) intangible barriers. Lack of information and rights can manifest

At GESMN, the ReEntry Program and FATHER Project respond to unique barriers facing men and fathers, uncovering strengths that often go undeveloped. Both programs provide case management and workforce development services as a foundation. Additional comprehensive and individualized services include mentoring, parenting classes, connections to legal and child support services, and a range of community resources. Because fathers' experiences are often intertwined with various systems, our programs collaborate with professionals from a range of organizations including corrections, child support, legal aid, child welfare, and public assistance.

Incarceration, a powerful barrier facing many fathers, is traumatic and can take a significant emotional toll (DeVeaux, 2013; Goff et al. 2007). Despite this challenge, fatherhood remains forefront in the minds of most men. Betalham Benti, ReEntry Counselor at GESMN, describes the dialogue during mentoring groups: "Fatherhood surfaces more than any other topic. As I look around the room, it's clear that fathers want to be involved with raising their children." But it takes time

Continued on page 34

If you ask the fathers themselves, they desperately want to be with their children. Many feel unworthy of fatherhood, but also don't want to be absent like their own dads were.

can lose sight of fathers, especially when dads may not be present or visible due to their own struggles. Barriers facing dads can be daunting and are often misunderstood. However, it is worthwhile to engage fathers: With the proper guidance and resources, dads can help make the difference for children. At Goodwill-Easter Seals Minnesota (GESMN), two unique programs work in a complementary way to help make that happen – the FATHER Project and ReEntry Program.

Unfortunately, negative impressions of fathers persist, especially views about low-income, never-married, non-custodial fathers. A common stereotype is that as romantic bonds unravel, dads become absent due to a lack of desire to be involved. This is particularly the case regarding stereotypes of dads from communities of color.

Guy Bowling, FATHER Project Manager, has helped the program serve thousands of Minnesota fathers for over 20 years. Bowling sees a different reality – dads who sincerely want to be involved with their children. He states, "If you ask the fathers themselves, they desperately want to be with their children. Many feel unworthy of fatherhood, but also don't want to be absent like their own dads were. Given the chance, with a level of support, the men we serve turn over new leaves. Developing a sense of purpose and a respected role in the family leads to an understanding of mom and child, and love and respect for both. The father-child bond can form along with a true sense of commitment. The long-term benefits to their children are huge."

Understanding the positive impacts of fathers is critical and research supports what we intuitively know: Positive father involvement is important for children's development and wellbeing (Carlson 2006; King & Sobolewski 2006). To move toward greater father involvement, we must understand barriers facing fathers and then work to overcome those barriers.

through biases that dads are unfit parents. They can include legally mandated practices not being followed by professionals, dads not being contacted, and information being given too late (or not at all). Tangible barriers may include lack of education, unemployment, conflict with the mother, child support issues, unstable housing, mental health challenges, substance abuse, transportation, incarceration, lack of legal resources, and a lack of economic stability. Intangible barriers may include low self-esteem, history of trauma, lack of parenting skills, and a history of the father's own childhood trauma and family instability.



Kinship Care: A Protective Mechanism Amidst the Risks and Effects of Parental Incarceration

Ramona Denby-Brinson, PhD

The incarceration rates of parents (3% of the U.S. adult population), particularly mothers and especially parents of color, remain stubbornly high. Little is known about the effects of parental incarceration on children, and even less is known about how their caregivers fare and what can be done to improve their abilities to provide adequate care. Parental incarceration often leaves dependent children and their caregivers at risk for socio-emotional and economic problems. To moderate the effects and risks that parental incarceration produces, it is imperative to undertake a system response, framed in a trauma-informed approach. Such a response relies on equipping and preparing caregivers, but criminal justice and family-serving systems also have a critical role to play in safeguarding children from the consequences of parental incarceration and in supporting their wellbeing. Depending on the age when children experience the incarceration of a parent, the effects can be life-altering (Adelstein-Estrin, this issue).

Caregiver Responsibilities and Experiences

Caregivers, formal or informal, encounter unprecedented burdens that produce stress and strain but also affect them and the children in their care. When men experience incarceration, their children are typically cared for by the children's mother but when women are incarcerated; it is the woman's mother (up to 53%) or the foster care system (about 10%) who assume care (Nesmith & Ruhland, 2011). Caring for children who have incarcerated parents can cause grandparents, adult siblings, and other relatives to suffer the significant consequences of an unexpected role transition and also can lead to financial and emotional stress – including feelings of loss, grief, shame, and guilt (Hanlon, Carswell, & Rose, 2007; Nesmith & Ruhland, 2011). For many, this caregiving role can extend beyond five years (Glaze & Maruschak, 2008; National Resource Center of Children and Families of the Incarcerated [n. d.]). These caregivers often have previously cared for their relative's child, and the family may have already faced discord and adversity prior to the parental incarceration (Nesmith & Ruhland, 2011).

Supporting Kinship Caregivers and Addressing their Needs

Formal service and support systems have not adequately responded to the difficulties that children and caregivers experience as a result of



parental incarceration. However, there is some recognition that strong social support systems and parental contact and involvement in their children's lives (e.g., visitation and letter writing) can increase resilience (Martin, 2017; Mumola, 2000; Roxburgh & Fitch, 2014).

when adequately supported, prepared, and motivated to provide care, they increase the children's wellbeing (Denby, Testa, Alford, Cross, & Brinson, 2017). Caregivers' inherent strengths and capabilities should be leveraged. To increase caregivers' effectiveness, proven

Despite the risks that children whose parents are incarcerated encounter, research demonstrates that caregivers themselves provide moderating effects and when adequately supported, prepared, and motivated to provide care, they increase the children's wellbeing.

Still, what can be done to increase caregiver well-being so that caregivers are effective in their role?

Kinship care is a protective mechanism for children (Denby, 2015). Despite the risks that children whose parents are incarcerated encounter, research demonstrates that caregivers themselves provide moderating effects and

intervention programs are ones which provide parenting education, help them to define and cultivate their support networks, provide information and referral services that lead to the acquisition of concrete provisions (e.g., financial, educational, and legal guidance, and respite care), and match them with peers who are able to provide social and emotional support

Family Court Enhancement Project: Improving Access to Justice

The Honorable Anne K. McKeig, and the Honorable Mary Madden

Domestic violence affects millions of Americans each year with startling consequences. Thirty-seven percent of women and 30% of men are subjected to physical violence, sexual violence, and/or stalking by an intimate partner at some point in their lives. In addition, a 2011 national poll of children found 27% reported exposure to physical violence, 25% reported psychological or emotional violence, and 90% were eyewitnesses to violence (Centers for Disease Control and Prevention, 2017). In 2016, over 60,000 domestic violence victims and their children sought some form of assistance from Minnesota’s domestic violence victim programs. Many of those victims were denied due to lack of resources (Minnesota Coalition for Battered Women, 2017).

In 2008, the National Department of Justice, Office on Violence Against Women (OVW) held round table discussions regarding the intersection between domestic violence and child custody. It concluded that children remained in abusive homes due to the following: failure to identify, understand, and account for domestic violence by courts and in third-party assessments and recommendations; structural and procedural barriers; limited resources; and the effects of race, class, and gender biases on outcomes (NCJFCJ, 2012).

In response to the above, the OVW funded the Family Court Enhancement Project (FCEP). The FCEP is a multi-year demonstration initiative designed to build the capacity of court systems and partner stakeholders to improve child custody decision-

making in cases involving domestic violence. In 2013, Minnesota’s Fourth Judicial District (the district) was one of four courts in the country selected to receive an FCEP grant. The district is the most populous in Minnesota making up about 22% of the population. According to the Minnesota Judicial Analytical Database,

The district then identified and implemented a number of strategies to address each of the challenge areas. Specialized calendars have been established to allow parties and judges adequate time to address in civil domestic abuse protective orders available under the law, but not before it was consistently

Through the grant, the district has assessed how new and innovative court and non-court procedures and practices related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being.

in 2016 the district handled approximately 19% of the 26,876 criminal and civil domestic violence cases filed in Minnesota. Through the grant, the district has assessed how new and innovative court and non-court procedures and practices related to custody and parenting time can reduce further violence and trauma and enhance victim and child resilience and well-being. Notably, although these are services provided in family court cases involving custody and parenting time, 31% of children receiving services in 2016 also had some involvement in child protection (Hennepin County Department of Community Corrections and Rehabilitation, 2016).

The district specifically identified the challenge areas in Figure 1 to address barriers and gaps faced by domestic violence victims and their children in family court proceedings.

requested or provided. A “One Family, One Judge Approach” has been implemented, which includes consistently assigning domestic abuse and new or existing family court cases involving the same family to the same judge. Protective order forms have been developed and are utilized to increase consistency among judges in the handling of domestic abuse cases and allow modification to the specific needs of any given family. Safe disclosure opportunities are maximized from the start of a case to disposition through modification of court forms and screening tools that are used by anyone involved. Additionally, the district collaborates with a multi-disciplinary group of business and community partners and professionals to engage in critical thinking about domestic violence to addressing challenges, sustainability of systems change, and future improvements.

Continued on page 34

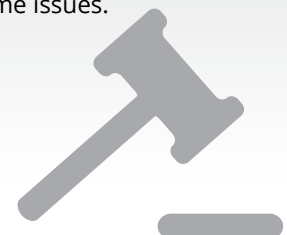
Figure 1: Family Court Case Challenge Areas

Challenge 1
 Inconsistencies in identification of domestic violence; assessment of nature, context and implications for parenting time; and accounting for abuse in custody and parenting time decisions.

Challenge 2
 Parties who are encouraged to participate in alternative dispute resolution (ADR) in family court proceedings may feel pressured to participate in ADR processes and / or settle custody and parenting time disputes.

Challenge 3
 Survivors of domestic violence often don't have representation, advocacy, or information necessary to access needed relief from family court.

Challenge 4
 Native American survivors of domestic violence do not access family court to protect their own or their children's safety or to address custody and parenting time issues.



Seeing the Forest and the Trees: Trauma-Informed Perspectives on Mental Health and Wellbeing in Mothers

Helen Kim, MD, and Jesse Kuendig, LICSW

Among industrialized countries, the United States has the highest maternal mortality rate, and is the only one with a rising death rate for mothers. Even more disturbing, African American women in the U.S. are 3 to 4 times more likely to die from pregnancy or childbirth-related causes compared to white women (Creanga et al., 2017). Similarly, African American and Native American babies in the U.S. are twice as likely to die in their first year of life compared to white babies.

In studying root causes of these tragic outcomes and other disparities, child welfare and other systems often look to prenatal care use, poverty, substance abuse, and chronic illness. However, concentrating on these factors without looking at historical and current

racism and childhood trauma is like focusing on the branch of a distant tree rather than looking at the whole forest. For instance, one

lens of historical trauma, we can understand that some African American women may be wary of traditional healthcare because of their

It became clear early on that many of our mothers were not mentally ill, but were struggling with consequences of, or adaptations to, historical and childhood trauma and the persistent stress of implicit bias and systemic racism.

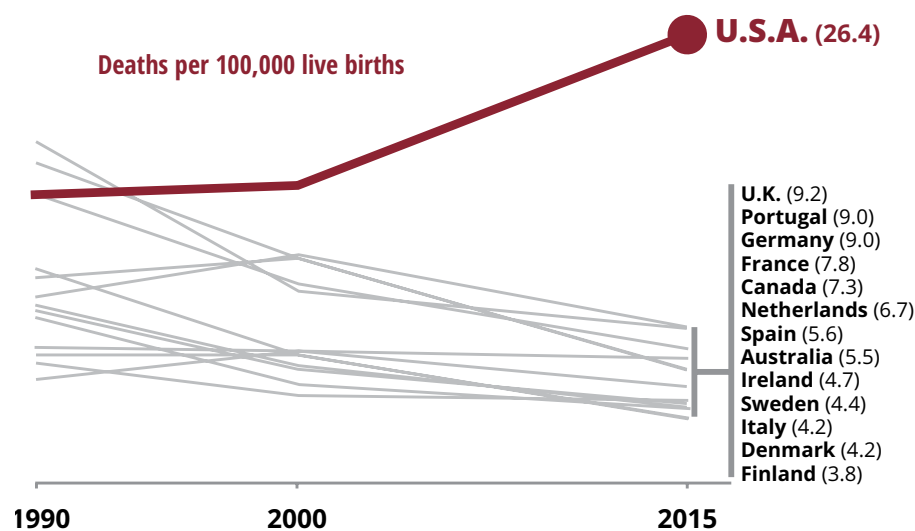
of the founders of modern gynecology, Dr. James Marion Sims, developed pioneering vaginal surgeries in the 1840s by renting African American slave women and operating on them without anesthesia. Through the

mistrust of medical and other systems that have exploited them.

The Hennepin County Medical Center Mother-Baby Program was launched in 2013 to fill a gap in mental health care for pregnant women and mothers of children ages 0-5 years old. The program opened with a mission consistent with mainstream perinatal psychiatry with its focus on maternal mental health. However, it became clear early on that many of our mothers were not mentally ill, but were struggling with consequences of, or adaptations to, historical and childhood trauma and the persistent stress of implicit bias and systemic racism. Among our hundreds of pregnant and postpartum patients, we have seen that many have symptoms of Complex Trauma, a condition that is not included in the official handbook of psychiatric diagnoses (i.e., the DSM V). Increasingly, mental health providers that specialize in trauma-healing use this term to conceptualize distress related to childhood and lifetime traumatic events. These events generally occur within specific relationships such as parent-child and lead to impairment in emotion regulation, executive function, relationships, and self-perception (Courtois, 2008). We have intentionally moved away from a traditional mental health framework with its emphasis on diagnosis and treatment and instead use a trauma-informed, trauma-healing, two-generation framework that integrates the science of adversity and resilience with a clinical focus on improving parent capacity.

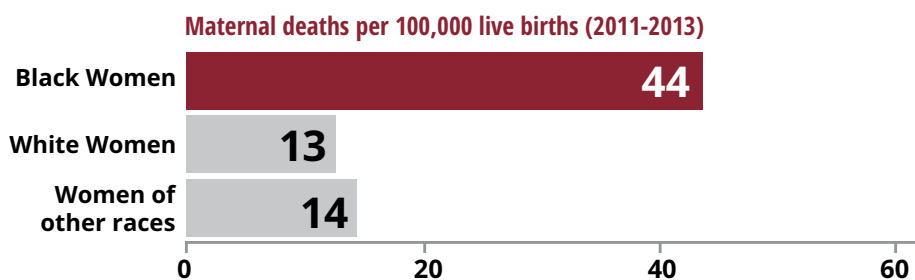
Research has shown that preferred caregivers can mitigate the harmful impact of toxic stress on children's brain development by providing predictable, sensitive, and responsive care (Dozier & Bernard, 2017). However, for parents to develop and access these capacities, they need to develop skills such as self-regulation and executive function to aid with managing emotions, problem solving, planning, and completing tasks. These skills are essential not only for parenting, but also for other adult roles as employees and contributing community members. Adult capacity to

Maternal Mortality is Rising in the U.S. as it Declines Elsewhere



Notes: "Global, regional, and national levels of maternal mortality, 1990-2015: a systematic analysis for the Global Burden of Disease Study 2015," *The Lancet*. Only data for 1990, 2000 and 2015 was made available in the journal.

Black Women Face Significantly Higher Maternal Mortality Risk



Source: Center for Disease Control and Prevention



develop and access these skills can be limited by one's own adverse childhood experiences (ACEs) as well as other stressors (e.g., child welfare or criminal justice involvement, poverty, discrimination, unsafe neighborhoods, lack of employment opportunities) that impinge on what behavioral economists refer

protection that can undermine parent capacity through discriminatory and onerous policies and practices. We are also exploring innovative skill-building approaches such as The InterGen Project at EMPATH that targets self-regulation and executive function skills as a means to disrupt cycles of poverty and abuse (Babcock

and Native American children and families. MCK has led us to ask ourselves questions such as these: If healthcare systems have their roots in the exploitation of African Americans, how is this racist attitude reflected in our policies and practices? How is it reflected in our own implicit bias? Given the toxic stress and discrimination endured by some of our patients, how can we create emotional safety in every encounter they have with our program?

By adopting a trauma-informed, two-generation framework, we are trying to be more helpful and less harmful. We are also trying to intentionally align ourselves with parents and children by fostering compassionate curiosity and reflection on "What happened to you?" versus conveying to people that we are searching for "What is wrong with you?" We have seen how this trauma-informed shift in our approach and attitude creates safety and puts people at ease. Only by recognizing our collective history and the ways each of us can unintentionally perpetuate systems of oppression and exploitation can we create a community where all children and families thrive.

Helen Kim, MD, and Jesse Kuendig, LICSW, are co-founders of the Hennepin County Medical Center Mother-Baby Program. Contact: 612-873-6262

We are also trying to intentionally align ourselves with parents and children by fostering compassionate curiosity and reflection on "What happened to you?" versus conveying to people that we are searching for "What is wrong with you?"

to as cognitive and emotional "bandwidth" (Mullainathan & Shafir, 2013). Researchers have theorized that these infringements on adult and parent capacity ("bandwidth tax") are disproportionately imposed on low-income and minority families and may contribute to the perpetuation of intractable disparities in health, education and employment.

Based on research in adversity, resilience, and brain development, the Mother-Baby Program tries to create a culture where families experience emotional safety. This is especially crucial for those with Complex Trauma who have had too many experiences where safety was violated by authority figures. We also use our privileged position to stand with our mothers as they navigate systems such as child

& Ruiz de Luzuriaga, 2016). Brain science has shown that areas of the brain impacted by persistent poverty, stress, and trauma remain plastic into adulthood and, through coaching and support, can be enhanced. This understanding is the foundation of the two-generation (parent-child), trauma healing approach of the Mother-Baby Program where we see that improvements in safety, self-regulation, and executive function lead to improved mental health and enhanced parent capacity.

Our move from traditional mental health to a trauma healing framework has been supported by our involvement with Mill City Kids (MCK), an initiative focused on advancing the well-being of African American

The Fabric of Change is Woven with the Threads of Our Voices

Erica Gerrity, LICSW, with Christa Schroeder, and Tonja Honsey

For almost a decade, the Minnesota Prison Doula Project has worked inside correctional facilities with justice-involved mothers and their families. Each week our staff members visit jails and prisons throughout Minnesota with the mission to work in compassionate solidarity with incarcerated women and pregnant people to increase community, opportunity, and change. We achieve this mission through individual parent counseling, group-based support and education, full-spectrum doula care, and legislative advocacy.

We asked current and previously incarcerated women, who have worked with child protection services, to share their best ideas for improving relationships between justice-involved mothers and the child welfare system. Together we developed five strategies for everyday child protection work to shift thinking and increase the effectiveness of collaborative change.



1 See me as a whole, complicated, valuable person.

The work I do with you reveals and then dissects all of what's most broken about me. I am an addict. I am in prison. I've hurt my kids and I'm the one that must find a way to live with that. No one is more angry or disappointed with me, than me. But I love my children in the best, most real way I know how. I am not all bad and I still have value in the lives of my kids. My body was my child's first home. Our separation is a wound, for both of us. Please don't look at me or talk to me as if I'm less than. Today you and I are both people, both imperfect, both doing our best to be better.

2 Understand that healing is my journey.

In all my life, I have not had control over my choices, my circumstances, or my future. My oldest memories are clouded with fear and dark with absence, trauma, neglect. Please don't railroad me, control me, or scare me. Don't make the system another perpetrator in my life. Don't allow this interaction to repeat a history of trauma between my family, my people, and our government. Introduce me to healing, teach me kindness, show me a path to opportunity. Healing is my journey. Be my ally.

3 Shame is not productive for me.

"Shame corrodes the very part of us that believes we are capable of change." – Brene Brown

For me, working with Child Protective Services feels like getting punched in the

face. It's painful. It's disorienting. We enter this relationship as adversaries. I want to be successful. I want stability and safety. I want to love and provide for my children. Your shame eats away at my fragile confidence. Believe in me. Listen to me without judgment. I am an expert about my own experience, I know what I need. Expand your understanding of incarceration and what it does to a woman's soul.

4 Economic stability is my everything.

Poverty feels insurmountable. A criminal record is like forever shackles that cannot be removed. Sometimes selling drugs is the only job I can get that will allow me to provide. I'm doing everything you tell me, but it's not enough. It feels impossible. Hopelessness is my enemy and it leads to my biggest mistakes. Mistakes mean more prison for me, more pain for my babies. A living-wage job, safe housing, and quality childcare are a minimum of what I need to begin to be the mother my children want, need, and deserve. If you work in rural areas, know that this challenge feels even greater for me in communities with fewer resources.

5 We need new options.

We need more options for long-term custody, visitation, and relationships. We need more time. And we need honest timelines that consider what we know about human development – that true lasting change occurs over years, not months. We need more support. We need healthy guides – members from community, like the doulas

who offer mutual respect and interpersonal resources of knowledge and empathy. We need you to invest in learning more about what the trauma of incarceration feels like for women, how it lingers in our life and becomes another barrier.

We need to learn a shared language and to find ways to communicate better, easier, more often. We need you to write more down so that we can look back at it when we are not flooded, and make sure that we understand what is expected of us.

When birth and mothering is the work you come to each day, you have the privilege to see the true power of women. The future of our work lies inside the hearts and minds of the families we serve. The potential is so much greater than the current problems we face. With the right effort and investment, we believe that significant, equitable progress is possible. Let's begin together, allow ourselves to be vulnerable, make mistakes, and cultivate hope in dark places.

Erica Gerrity, LICSW, is director at MN Prison Doula Project. Contact: gerritye@umn.edu

Christa Schroeder, We Rise – MN Prison Doula Project Leadership Circle.

Tonja Honsey, We Rise – MN Prison Doula Project Leadership Circle.

Members of Pregnancy and Beyond Prenatal Education Program, Minnesota Correction Facility - Shakopee.

Barriers Facing Parents with Criminal Records in Child Protective Proceedings

Elizabeth Brown, JD

Parents with criminal records face numerous barriers that child protection professionals, including social workers, lawyers, and judges, must consider when working to protect and advance family wellbeing. Individual and institutional bias and prejudice are among those barriers. While there are extreme cases when family preservation or reunification may not be in a child's best interest, it is optimal for children to be raised by their parent(s), notwithstanding a parent's criminal record. Therefore, professionals should consider the barriers and provide evidence-based services to support family preservation or promote reunification regardless of a parent's criminal background (Pecora, Whitakker, Maluccio, & Barth, 2012).

It is imperative that practitioners use supportive language when assisting clients who are "individuals with a criminal record," as opposed to "criminals." When first investigating or meeting a parent with a criminal history, one should consider the following: (a) how you learned about the criminal history; (b) what the alleged crime and/or conviction was and when it occurred; (c) whether the parent is still on parole or probation; (d) whether the parent completed any services as part of the sentence or incarceration; and (e) how much and what type of contact the parent has had with the child. In order to serve children's safety and best interests, all professionals in the child protective field must consider the criminal record context.

Courtroom Barriers and Considerations

Child protection workers, lawyers, and judges may exhibit bias and/or prejudice against parents with criminal records (Hester et al., 2016; Shientag, 1961). Bias and prejudice toward those with a criminal record, as well as internalized stigma by those with a criminal record, may prevent or delay reunification despite a lack of harm or risk of harm to the child based on the criminal history. Accordingly, before court proceedings begin, child protection workers should inform a parent that they are aware of their criminal history, and that the history may be provided to the judge and parties to a case through testimony and discovery. Workers should notify a parent so that the parent is not surprised and may prepare for if it is raised in court. This notification is critical whether or not one practices in a state where parents are provided the right to counsel. It is important for all professionals to know that anything said in a parent's family court case may: (a) be used in

Consider the Criminal Record Context



- how did you learn about the criminal history
- what was the alleged crime and/or conviction
- when did it occur
- is the parent is still on parole or probation
- did the parent complete any services as part of the sentence or incarceration
- how much and what type of contact has the parent had with the child



any open criminal case the parent might have; (b) subject a parent to a concurrent related criminal case; (c) affect a parent's parole; and/or (d) be used in a civil proceeding such as a custody case. A court will make a fact-based inquiry and decide whether the parent's criminal history is relevant to the court proceeding and child's safety.

Case Plan Barriers and Considerations

Securing stable housing, having an income, and completing appropriate services is vital to reunification and child wellbeing (Choi & Ryan, 2007; U.S. Department of Health and Human Services and U.S. Department of Housing and Urban Development, 2007). Yet, having a criminal record can impede access to resources (see Meyers, this issue)

Criminal records can hinder obtaining and maintaining housing. Under federal law, public housing authorities can deny an application for housing based on a criminal conviction, and they even have the discretion to evict based on an arrest. (Quality Housing and Work Responsibility Act of 1998, 42 U.S.C. §§ 13661 and 13662 (1999)). Private landlords can also deny housing based on criminal history, though applicants can fight a housing denial if it violates the Federal Fair Housing Act.

Criminal records are also barriers to finding employment (Pager, 2007; Vuolo, Lageson, & Uggen, 2017). Likewise, criminal records can bar admission to educational institutions and qualification for loans. Because financial stability is important for parents to adequately care for children, social workers should educate themselves and then advise parents about rights of disclosure relating to their criminal history. Social workers can also advocate for

parents to potential employers and educational institutions via phone calls and letters of support.

Criminal records can disqualify individuals from receiving public benefits, including Supplemental Nutrition Assistance Program (SNAP) and Supplemental Security Income (SSI).

A criminal record can negatively affect a parent's immigration status and lead to detention and deportation. Social workers should remind non-U.S. citizen parents to take any necessary steps to protect their – and their children's – statuses.

In summary, parents with a criminal record face stigma and institutional barriers that hinder their ability to support themselves and their children. Child protection workers, lawyers, and judges should carefully consider the circumstances of the criminal history, taking into account explicit and implicit bias against those with a criminal record when discussing and considering children's safety. Case plan and court ordered services should be tailored around the housing, employment, benefits, and status barriers that people with criminal records face. In order to promote child safety, family preservation, and stability, child protection professionals must heed the barriers facing parents with criminal records, and support parents in light of those barriers.

Elizabeth Laura Brown, JD, is staff attorney, Center for Family Representation, Inc. Contact: elizabeth.laura.brown@gmail.com

Mending Cultural Fibers: Resilience of American Indian Mothers Caught Between Two Systems

Laura Newton, Kelly Morgan, Charlene Day-Castro, and Teresa Zaffiro-Day, interviewed by Kate Walthour, MSW, LISW, and Korina Barry, MSW, LGSW

The Bright Beginnings Recovery Support Project at the Minneapolis American Indian Center is designed to assist American Indian women who are pregnant or have recently delivered, who have a history of substance abuse, and who are at risk of (or have previous) involvement with the child protection system. Many of these mothers have experience in the criminal justice system as well. The goal of the program is to help these families create stable, safe, nurturing environments for their children and to prevent further involvement with the child protection system. Bright Beginnings is part of an array of Indian Child Welfare Act (ICWA) programs at the Minneapolis American Indian Center. This program is funded through a Minnesota Department of Human Services grant that aims to support efforts to decrease the disparity of American Indian children and children of color within Minnesota's child welfare system.

Bright Beginnings provides case management and programming that is intensive, flexible, and culturally based. Along with connecting women with substance abuse treatment and other resources, staff members provide home visits, transportation, advocacy, and a weekly support group that includes cultural activities. The support group is designed to serve as a home, where mothers are welcomed back to their community. The group provides a positive and sober support system for mothers. Women who are further along in sobriety or in their child protection case plan provide peer support to newer moms, which is significant since many parents can experience social isolation during sobriety.

One of the most important aspects of Bright Beginnings is the aim to help women identify and heal from historical trauma through reconnecting with their culture. This happens during support group through ceremony, cultural teachings, traditional activities, and from the support of elders. For some clients, learning about traditional birth practices, traditional medicines, or how to make moccasins is a new and powerful experience. Parents express that cultural connections and peer support have a positive impact on their success. The program allows them to name and discuss trauma they've experienced in a safe and comforting environment. Bright Beginnings supervisor, Charleen Day-Castro, describes the healing process of reconnection with culture:

"The more we can get people reconnected to a cultural base the greater their chances are of avoiding some sort of reemergence in



social services. We have to start to mend the fibers that make our people. We'll try to take a blanket, and begin to weave it back together, building strength and resilience in that blanket, that helps our parents put themselves back together. Once we have the fibers of the

interact with each other. Staff have noticed that the criminal proceedings of child abuse and neglect cases often last longer than the child protection case, which interferes with mandated out-of-home placement timelines. Staff members also observe that

The more we can get people reconnected to a cultural base the greater their chances are of avoiding some sort of reemergence in social services.

blanket woven, we give them cultural tools and values to make that blanket even stronger. If challenges come to a family again, chances are they will have more tools than they had before that they'll be able to draw upon to empower themselves in a healthy productive way."

Bright Beginnings and other ICWA program staff have identified several barriers that parents confront while involved with the child welfare and criminal justice systems. They have observed that many women are trafficked at young ages and then groomed into a lifestyle of sex work. As adults, they are frequently arrested with charges of "loitering" and "intent to prostitute", meanwhile the solicitors are not held accountable. The criminal justice process is often slow and drawn out. Once involved, mothers often feel the sensation of having a target on their back and that they keep getting pulled back in.

As many other authors have emphasized, (see Brandt & Woolman, this issue; Cork, this issue; Crotteau, this issue) staff have observed many barriers for dually-involved parents relating to how the child protection and criminal justice systems interact or fail to

fathers with criminal justice involvement are often disregarded while incarcerated and are not encouraged to be involved in the child protection case. Additionally, staff have seen parents with ongoing criminal cases where a CPS worker anticipates the parent being incarcerated in the future and prematurely moves on to other placement options rather than working toward reunification with them. There are times when criminal backgrounds are automatically written into CHIPS petitions without any context from the parent. It is important to remember that dually involved parents are expected to complete services and fulfill obligations by both systems. Therefore, when these cases are not coordinated and systems are not communicating, it is unrealistic to expect that parents can successfully fulfill requirements of both.

Staff members emphasize that they see more family success when child welfare, criminal justice, and community professionals work more collaboratively. They see mothers building support systems that can assist them in all aspects of their lives when they

The Journey through the Criminal Justice and Child Protection Systems

Cory, interviewed by Kate Walthour, MSW, LISW

Some of the most powerful teaching moments are those that come from the stories of personal experience. Professionals can learn a lot from father's who have struggled to navigate the criminal justice and child protection systems. Here is Cory's story.

Cory grew up in a suburb of St. Paul, Minnesota. As a boy, he found himself "in and out of trouble." He describes being arrested for the first time at the age of 10, for destruction of property, and being placed in a holding cell at the local police station.

Eight years ago, Cory and his girlfriend were expecting their first child when he was arrested and charged with criminal sexual conduct in the 3rd degree. Cory, an adult at the time, describes having consensual sexual contact with a 15-year-old girl. Believing it was his best option based on the short explanations of his attorneys, he agreed to plead guilty to the charge. Cory was sentenced to probation and categorized as a level 1 predatory sex offender.

Three years later, Cory violated his probation. At the time, he had stable housing and employment and was complying with all other aspects of his probation. However, he had been using opiates on and off for a number of years and became addicted; partly stemming from complications of Crohn's disease. He started to skip his court-ordered urinalysis drug tests. After 13 missed tests, he was arrested and sent to prison. Possibly even more significantly, upon release, his registry status drastically impacted his life. As Cory looks back, he feels confident that he did not fully understand what he had agreed to in the plea deal he had made.

Upon release from prison, Cory was ordered to complete sex offender treatment prior to having any contact with minors, including his own children. While the concept of sex offender treatment was very unclear to him, he had heard stories from others in similar situations that the treatment was very intense and would last 2-4 years. Only recently has Cory learned from his parole officer that he has an option for a 30-day treatment consisting of one on one sessions with a therapist.

Cory has been in and out of prison since that first release, all due to probation violations related to his drug use. He has been to drug treatment four times at a variety of treatment centers, with varying success.

Cory and his former girlfriend now have four children together. While in prison, a two-hour drive from home, he missed his children desperately. However, visits with his children while incarcerated made him very uncomfortable. He described the environment as loud and crowded, and "not really a place for kids." He distinctly remembers a box of dirty,

broken toys in a corner of the visiting room being the only indication that children were welcome in the space. Not surprisingly, he describes the feelings of shame and stress that having your children visit you in prison can bring up. Video calling seemed a worthwhile alternative to in-person visits, but the \$15 cost for a 15-minute call prevented regular phone calls.

While incarcerated, Cory's former girlfriend struggled with her own drug abuse and she made informal and child protection ordered arrangements for their children to stay with relatives. During the open child protection case, Cory received one phone call in prison

When asked what he would like professionals to know within the criminal justice and child protection systems, Cory has several suggestions:

- Understand the importance of non-custodial and incarcerated parents having access to their children and ensure they are involved and updated on their children's everyday lives.
- Professionals must be clear and explain both the processes and expectations better when working with parents. Take the time to lay out all information, especially explain crucial decision points. These are incredibly complicated systems.

Take the time to lay out all information, especially explain crucial decision points. These are incredibly complicated systems.

from an out of state child protection social worker asking if he knew the location of each of his children and if he had any information on their mother's current drug use. He received a second call after his release letting him know that the children had been reunified. He was never asked about his own interest in being an involved parent, never offered a case plan, and he was never asked about potential relative placement options or other supports that could help his children. He also was never offered an opportunity to communicate with his children.

Currently, his children and their mother live out of state. Worry about what his children think of him and worry that they may think he doesn't love them has preoccupied Cory for years. Since his girlfriend also has a long history of drug abuse, he worries about the people that may be around his children. Cory wants to know where they attend school, who their friends are, and other information that parents may take for granted.

- Fathers like Cory need to learn more about what resources are available. It is especially imperative that they are told of resources before being released from prison.
- Support individuals in their struggles with mental health and substance abuse. This includes better medication management in jails and prisons and access to higher quality treatment programs. It shouldn't be easier to access illicit drugs in drug treatment than it is to access them on the streets.

Corey has found hope for his future through his connection with the ReEntry Program at Goodwill - Easter Seals Minnesota (see Freeberg, this issue). He is employed, has stable housing, and is beginning a 30 day sex offender treatment program soon which will allow him to have more contact with his children.



The Impact of Criminal Records on Placement and Permanency for Children in Out-of-Home Care

Sara Crotteau, MSW, LGSW

As a child protection social worker in Hennepin County, Minnesota, for three years, I have worked with many families whose children have been court-ordered to out-of-home placement (OHP). As a social worker in a specialized Indian Child Welfare Act (ICWA) unit, I primarily work with American Indian families. Neglect related to substance abuse is the underlying issue for the majority of the families we work with in the Hennepin County ICWA division. The wellbeing of the child is increased and the overall outcomes for the family are more positive when families remain intact; therefore reunification and family preservation are always the primary goal. In the event that reunification is not achievable, placement with a relative is not only preferred, it is mandated. However, many of the children removed in Minnesota require placement in a non-relative foster home, often with caregivers from very different cultural and socioeconomic backgrounds from their own. Unfortunately, there are a number of barriers in background check requirements that make placement with relatives an unviable option for children in OHP.

Federal law mandates that relatives be pursued first for placement of children in OHP as evidence is clear that this leads to better outcomes for kids (see Denby Brinson, this issue). Laws and policies that limit relatives' access to care for children based on criminal records are especially problematic for communities of color due to their disproportionate representation in the child welfare and criminal justice systems (see Miller, this issue). This is underscored when crimes are related to conditions of poverty. The mandate for relative placement is stricter for ICWA cases, as the placement preferences are listed in the ICWA Federal law (25 U.S.C. § 1915). Relatives top the placement preferences, and the law indicates that child protection agencies must provide active efforts to find and assist relatives in becoming viable placement options for children.

In Minnesota, when reunification is not possible, the preferred permanency option is a termination of parental rights (TPR) to allow for adoption (Minn. Stat. 260C.513). However, ICWA cases typically result in a transfer of legal custody (TLC), as a TPR requires tribal approval through qualified expert witness testimony, which is rarely supported. A TLC requires that proposed relative custodians have a foster care license. A 2015 Minnesota law passed to reduce significant benefit discrepancies between children experiencing adoption versus TLC goes far to ensure relative and non-relative placement options are treated

the same (Minn. Stat. 256N). Disqualifications and permanent bars from being licensed vary depending on the nature of the adjudicated crime and the length of time since the crime has been committed (Minn. Stat. 245C). Even with a TLC, relatives with a criminal background showing low level, non-violent crimes are often disqualified from being placement options. In my time working in child protection, I have seen many relatives who were disqualified for crimes such as theft, low level assault, and drug offenses, even at a misdemeanor level.

Even with a TLC, relatives with a criminal background showing low level, non-violent crimes are often disqualified from being placement options. In my time working in child protection, I have seen many relatives who were disqualified for crimes such as theft, low level assault, and drug offenses, even at a misdemeanor level.

Finding relatives who are willing and able to become licensed foster care providers takes a lot of time, and the barriers related to past criminal records have a significant impact on whether this can be achieved or not. Overall, it takes longer to achieve a permanency outcome when working toward TLC versus TPR, since a TLC cannot be finalized until 6 months after a proposed relative custodian becomes fully licensed (Minn. Stat. 256N.22). The licensing process itself can take 6-12 months. Ultimately, we see American Indian children in placement a lot longer, and in multiple placements, as we work to find relatives who can pass state requirements to care for their own family. In fact, according to a report from the National

Council of Juvenile and Family Court Judges, in 2014 Minnesota had the highest rates of American Indian foster care disproportionality in the country since an American Indian child was 17 times more likely to be in OHP than a white child (Summers, 2016).

My colleagues and I frequently discuss an imagined "Grandma Law" that allows for looser guidelines for relatives pursuing foster care licensure in order to be placement options for their relative youth in care. I understand the logic in disqualifying relatives who have committed serious, violent crimes. However, a

relative with a non-violent theft charge on their record, for example, should not be barred from caring for their own family.

Currently, the overburdened foster care system cannot meet the needs of all of Minnesota kids in out-of-home placement. More options for relatives to be considered, despite criminal records, would ease the strain on the system and allow more families to remain intact. We know that kids do better long-term if they are living with family.

Sara Crotteau, MSW, LGSW, is an ICWA child protection social worker in Hennepin County, Minnesota. Contact: sara.crotteau@hennepin.us

Out of Home Placement Disproportionality



An American Indian child is **17x** more likely to be in out of home placement than a white child in Minnesota.

The Unintended Consequences of Minnesota's Child Protection and Mandatory Reporting Statutes on Sexual Offenders and Their Families

Jon Brandt, MSW, LICSW, and Joanna Woolman, JD

Child welfare and legal professionals in Minnesota are struggling to understand and comply with 2012 legislative changes in mandated reporting. As the result of a revision of child protection laws (Minn. Stat. 626.556; Minn. Stat. 260.012) anyone subject to predatory offender registration (POR) living in a household with children, or "unsupervised" around children, must be reported to county child protective services (CPS). POR in Minnesota includes individuals who have been convicted or adjudicated for a broad range of sexual offenses (Minn. Stat. 243.166). Under revised requirements, no new allegations of maltreatment or other child protection concerns are required for reporting. Reporting is mandated for not only everyone who is currently on the registry, but anyone who has ever been on the registry, automatically fitting the definition of "threatened sexual abuse of a child" (Minn. Stat. 626.556, Subd. 2(n)). The aptly termed "POR-CPS Pipeline" is the product of two unfounded beliefs: 1) that anyone who has been convicted or adjudicated for a sex crime presents an ever-present danger to children, and 2) that "sexual offenders," regardless of the offense, are inherently unfit parents.

was) subject to the non-public registry and if they are having bona fide contact with children. These reporting requirements presume child maltreatment based on status, not on evidence of possible maltreatment or demonstrable risk. Because CPS is mandated to investigate (Minnesota Department of Human Services, 2018), registrants may be forced to leave their own homes, even if they are parenting their own children.

Registrants, simply by status, are disqualified to be parents. If registrants become parents, CPS and county attorneys are mandated to petition for TPR (Minn. Stat. 260C.503, Subd. 2 (6); Minn. Stat. 260C.301 Subd. 1 (b) (9)). There is no duty for the preservation of families (Minn. Stat. 260.012 (g) (5)). Registrants and their families can be subject to lifelong investigations, even if the offense occurred when they were teenagers. The only relief is for children to reach age of majority, succumb to a termination of parental rights (TPR), or for families to appeal to the judiciousness of informed professionals in the CPS-legal system.

The management of the POR-CPS Pipeline varies widely between Minnesota's 87 counties. County attorneys' offices, local CPS, DHS,



states, juveniles as young as 11 can be put on the registry (Petteruit & Walsh, 2008). These laws ignore research that indicates more than one-third of child sexual abuse is committed by other children (Finkelhor, 2012), that 97% of juvenile offenders do not sexually reoffend (Caldwell, 2016), and that putting juveniles on sex offender registries is irreparably harmful to youth and families (Pittman & Parker, 2013). Even among adults, 95% of sexual offenses are committed by first-time offenders (Sandler, Freeman, & Socia, 2008), recidivism rates are low, and research indicates risk does not increase with time, it diminishes. (Hanson et al., 2014). These misguided public policies not only ignore risk and recidivism research, they are contrary to evidence that, with effective interventions, most registrants can safely and responsibly parent children (Tabachnick & Pollard, 2016).

The POR-CPS Pipeline has set public policies and professional practices adrift. The corrective action needed is legislation to amend errant language. Until then, perhaps judges, lawyers, social workers, and mandated reporters will recognize that child safety is not our only fiduciary obligation. Best practices, professional ethics, and public interests are all served by legitimate pathways to recovery, and veritable support for the rights and benefits of preserving families.

Jon Brandt, MSW, LICSW, is director of Mapletree. Contact: jbrandt@mapletree.org

Joanna Woolman, JD, is associate professor of law and director, child protection program, Mitchell Hamline School of Law. Contact: joanna.woolman@mitchellhamline.edu

The aptly termed "POR-CPS Pipeline" is the product of two unfounded beliefs: 1) that anyone who has been convicted or adjudicated for a sex crime presents an ever-present danger to children, and 2) that "sexual offenders," regardless of the offense, are inherently unfit parents.

The problem started with 2012 legislative changes enacted to comply with new requirements of the federal Child Abuse Prevention and Treatment Act (CAPTA). Because CAPTA provides federal aid to state and county child protection programs, the Minnesota Department of Human Services (DHS) was quick to seek legislative approval for changes required by the 2012 Congressional reauthorization of CAPTA. After quietly going into effect in August 2012, virtually no one recognized the logistical quagmire that had been created. The outcome includes onerous consequences for offenders and their families, confusing responsibilities for professionals, and unwarranted burdens for the CPS-legal system.

The POR-CPS Pipeline created several systemic problems for professionals. Under new requirements, when mandated reporters or CPS investigators learn of someone who might be subject to POR and is thought to be living with children or unsupervised around minors, they must determine whether the individual is (or

and the courts are all involved in defining practices. Systemic problems contribute to a lack of coordination and tracking of both the implementation and consequences of policy changes. To comply with the letter of the law, some counties file TPR petitions and then dismiss them or perhaps relegate the matter to CPS. Anecdotal reports indicate that some counties routinely open CPS cases they believe to be unwarranted, forcing registrants to choose between CPS monitoring, costly legal defense, or risk losing their children. Sometimes CPS requires evidence of completion of sex offender treatment (which seldom exists), demands registrants to undergo unwarranted risk assessments of sexual misconduct, or compels unending sex offender treatment.

The POR-CPS Pipeline is built on false beliefs about recidivism and the myth that "sex offenders" are a homogeneous group. CPS investigations are not triggered by any new risk of sexual offense, but rather by static POR status. In Minnesota, and in many other

WE ARE ALL CRIMINALS

ATTORNEY

UNDERAGE DRINKING; FURNISHING ALCOHOL TO A MINOR; POSSESSION AND CONSPIRACY TO SELL CONTROLLED SUBSTANCES; ASSAULT; DRIVING WHILE INTOXICATED; CHILD ENDANGERMENT

Freshman year, I started drinking.

Sophomore year, I was a go-between for a dope-dealing friend and the football team. He sold more than just pot—ecstasy, sheets and sheets of acid—but I never ran more than marijuana.

Junior year, I spent Tuesday nights loading up my bloodstream with drinks and my car with pounds of marijuana for a friend from a nearby town. It's amazing I was never pulled over on the long drive back.

Senior year, my friends and I made a lot of money selling keg beer and jungle juice to underage kids.

In law school, I got into a drunken street fight. My friend pulled me out of the middle just as the cops were closing in.

Up until a few years ago, I was still driving drunk. I knew what I was doing was wrong and how stupid it was. For example, one night after four tallboys, I drove my little girl home in a car with a broken taillight, right through an area heavy with police presence. Two weeks later on the same stretch, I was pulled over for the taillight—but this time, I was sober.

I still mind-trip over that: it's just pure luck that I wasn't stopped the night I'd been drinking. If I had been, they probably would have taken my daughter from me.



We Are All Criminals (WAAC) is a nonprofit organization that uses first-person narrative, compelling photography, and staggering statistics to challenge society's perception of what it means to be a criminal. WAAC contends that while one in four people in the United States has a criminal record, four in four have a criminal history. Many of the stories in WAAC's collection are of people who have no record, but who—by mistake or design, rarely or repeatedly, egregiously or innocuously, recently or long ago—have committed crimes. They weren't prosecuted then, and they have avoided being

perpetually punished now by a system of damaging collateral consequences. They are able to live their lives undeterred by the constant reminder of past acts. WAAC is also a commentary on the disparate impact of our nation's policies, policing, and prosecution. Many of the participants benefited from belonging to a class and race that is not overrepresented in the criminal justice system. Permanent and public criminal records perpetuate inequities, precluding millions from countless opportunities to move on and move up. WAAC calls out the injustice in those policies.

How would my life be different had I been caught? In college, I probably would have gotten wrapped up in the system. I was an angsty alcoholic—angry and with a bad attitude. I could see how that, if coupled with police interaction, could have ended poorly.

If I had been caught for some of the later activities, I don't know where I'd be. Once you reach a certain point, once you're a certain age, people are no longer willing to forgive.



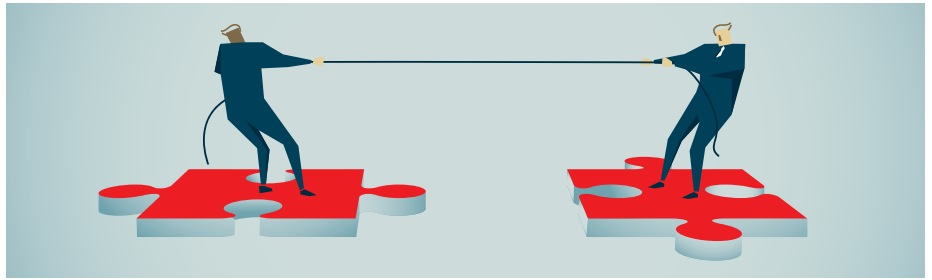
"Attorney" is one of many stories compiled into the We Are All Criminals project and book. See <https://www.weareallcriminals.org/> for more information.

Emily Baxter is the executive director of WAAC. Contact: emily.baxter@weareallcriminals.org

Strengthening Families Through Systems Communication: A Perspective from the Bench

The Honorable Jamie L. Cork, interviewed by Kate Walthour, MSW, LISW, and Korina Barry, MSW, LGSW

Judge Jamie L. Cork presides in Dakota County, Minnesota. Cork draws upon her experience overseeing criminal court and her previous involvement with child protection (CP) as an assistant county attorney. She brings this unique perspective to what she views as some of the greatest challenges to efficient and effective coordination of court processes in both criminal and CP cases.



Communication

Lack of communication between the criminal and CP systems is a frequent problem and can have large impacts on families. Judge Cork shared an example of a criminal case that involved a mother who was charged with assaulting her 15-year-old daughter. A domestic abuse no contact order was issued, which meant the mother was not allowed to have any contact with her daughter. However, in the CP case it was ordered that the mother and daughter attend family therapy. Essentially, the mother was asked to violate her criminal orders and risk a new criminal charge due to miscommunication between the criminal and CP proceedings. As Judge Cork put it, “both as an attorney and as a judge, there is a huge lack of communication between the criminal justice and CP systems. One never knows what the other one is doing and I think that hurts both sides.”

Case planning and service utilization is another area where lack of communication can be an issue. If professionals in the systems don't communicate well, parents may be asked to do things by both court systems that are duplicative and unnecessary. It's important for all parties to be aware that CP case plans require a lot of parents' time which sometimes interferes with their ability to work. When adding this to the barriers parents exiting the criminal justice system face, it is clear that more coordinated services are needed to support stability.

Criminal cases often move slowly. When involving children who are placed out of home, this can conflict with the federally mandated CP timelines since it is common for the CP court proceedings to be put on hold until the criminal case is completed. Judge Cork has also seen several instances where an incident of abuse or neglect caused a case to open in both systems, and the CP case moved forward, resolving itself before any decisions were made on the criminal case. Children get placed out of home, parents complete their case plan, and children are reunified. Later, a warrant for the parent's arrest is filed on the criminal case and the children are removed from the home again because there was no one to care for the kids.

It is also common for a parent to miss a court date on a criminal matter due to foreseeable or unforeseeable circumstances that can result in a bench warrant being issued. Parents may then be deterred from attending a CP court hearing due to fear of being taken in custody. This is an unfortunate situation: counties hope to begin services but judges are required to take the parent into custody.

Training

Judge Cork has observed a lack of training for judges and other professionals in explaining and managing parents' expectations in both criminal justice and CP. Due to busy calendars judges aren't able to attend as much training as they would prefer. Training across judicial

several fathers who were not able to complete drug treatment prior to release due to extremely long waitlists. She also observes that women, more than men, are more likely to be released from jail or prison because they have children. Though judges shouldn't consider parental status in cases, there is a prevailing concept in the system that women are the caretakers and this influences decisions.

As children are placed in out-of-home care, Judge Cork would like to see more agency accountability in the licensing of relatives as placement options. Family members who are willing to be placement options are often denied due to criminal records, including old records that may not necessarily be related to caring for a child. Information regarding state variances for placement approval is not

Both as an attorney and as a judge, there is a huge lack of communication between the criminal justice and CP systems. One never knows what the other one is doing and I think that hurts both sides.

systems is also rare. In larger counties, many criminal judges may have never worked on child protection cases and it would be unusual for them to attend a CP-related training. Therefore, most criminal judges may not know the laws and statutes guiding CP. However, decisions in criminal court can have direct consequences on a child protection case as mentioned previously.

Accountability

Too often fathers are not engaged in case planning in CP cases. This is especially true for incarcerated fathers. Judge Cork believes social workers shouldn't hesitate to engage fathers in custody and never assume that there are no services within jails and prisons. Nevertheless, there is a serious lack of services available to men who are incarcerated. Fathers who are facing an imminent release and could be considered placement options for their children are frequently ruled out because they weren't able to access services. Judge Cork knows of

provided consistently across agencies, and Judge Cork believes that counties must assist family members with this process.

There is much work to do to better ensure communication and integrated services between systems. Judge Cork believes alternative court structures that combine criminal charges with CP cases could be a good model to utilize. An example of this might include combining family dependency court with drug court and CHIPS cases, all under the same judge (family, criminal, juvenile). The more often a family can utilize one judge and one court, the less poor communication, training, or accountability will interfere with progress on the case and well-being of the family.

Judge Jamie L. Cork was appointed in 2016 to Minnesota's first judicial district and presides in Dakota County, Minn.. From 1999 to 2016, Judge Cork was an assistant county attorney in Hennepin County, Minnesota in the Child Protection and Juvenile Prosecution Divisions. Contact: jamie.Cork@courts.state.mn.us

The Experience of Parental Incarceration: Visible by Choice

Continued from page 9

a shift away from highlighting intergenerational incarceration toward a goal of child well-being as motivation for supporting COIP (Adalist-Estrin, 2018).

The specific experience of parental incarceration for children and families in the child welfare system is poorly documented and often complicated by additional trauma (Berger, Cancian, Cuesta & Noyes, 2016). But there are similarities for all COIP in their experience of judgment and in the limited support provided by the systems that serve them. Families hide from the shaming gaze of others, leading them to withhold information and avoid connections (Condry, 2007). Children and families of the incarcerated remind us that they will become more visible by choice and share their experiences and needs when systems are equipped to respond to those needs and provide relevant support.

Ann Adalist-Estrin, MS, is director of the National Resource Center on Children and Families of the Incarcerated, Rutgers University- Camden. Contact: Ann.adalistrin@rutgers.edu.

The Intersection of Parental Immigration Status and Child Welfare Involvement

Continued from page 11

mandated services. In some cases, child welfare staff cannot locate parents, making their participation in decisions concerning their children unlikely. Deportation proceedings may last longer than the timeframes under which child welfare agencies must make decisions, further complicating agencies' ability to act in children's best interests.

Given these challenges, child welfare and legal professionals have a responsibility to ensure that decisions regarding children's best interests are reached in the most cautious and thoughtful manner, given the lifelong consequences of those decisions. The child welfare system holds much of the responsibility for decision-making, but courts provide considerable influence and oversight of this process. Efforts should be made to facilitate cooperation and collaboration from all stakeholders, including parents, child welfare professionals, and federal immigration systems, to ensure that children's best interests remain at the forefront of decision making.

Alan J. Dettlaff, PhD, is dean of the Graduate College of Social Work and the Maconda Brown O'Connor Endowed Dean's Chair, University of Houston. Contact: ajdettlaff@uh.edu

How does Incarceration Affect the Likelihood of Reunification?

Continued from page 12

and child welfare agencies (GAO, 2011; Phillips & Dettlaff, 2009; Seymour, 1998); improving tracking of data by both child welfare and criminal justice agencies (GAO, 2011); and, of course, conducting additional research in this area.

Ultimately, agencies need to develop structures that 1) enable social workers to identify which parents are incarcerated and where; 2) allow social workers and incarcerated parents to communicate with relative ease; 3) support frequent visitation between parents and children which is an important factor in reunification (CWIG, 2011); and 4) ensure treatment services ordered are available and of good quality. These improvements would provide important supports for incarcerated parents attempting reunification, and fulfill agencies' responsibilities to provide reasonable efforts to assist parents, ensuring children have the best possible chance for timely permanency.

Amy D'Andrade, MSW, PhD, is a professor in the School of Social Work at San Jose State University. Contact: amy.dandrade@sjsu.edu

Substance Use Disorders in Pregnancy: Disadvantages of a Punitive Response

Continued from page 14

investment into family, community supports, and healthcare supports is essential (Bada et al., 2012). Addressing individual reproductive health needs at facilities where women seek support for SUD should also be explored (Robinowitz, Muqueeth, Scheibler, Salisbury-Afshar, & Terplan, 2016).

Lastly, longitudinal research is needed to improve gender-specific SUD prevalence, treatment utilization, and outcomes (Kotelchuck et al., 2017). Early research demonstrates a positive association between SUD treatment and improved birth outcomes, and decreases in emergency room visits and hospitalizations within one year of treatment (Kotelchuck et al., 2017). These strategies will result in better health outcomes of both women and their children.

Katya Dunn, is a 2018 MSW candidate at the Factor-Inwentash Faculty of Social Work at the University of Toronto. Contact: katya.dunn@mail.utoronto.ca

Katrina Hui, MD, MS, is a resident physician in the Department of Psychiatry at the University of Toronto. Contact: katrina.hui@utoronto.ca

Best Practices for Working with Incarcerated Parents who have Children in the Child Welfare System

Continued from page 15

of Corrections and the Department of Early Learning in Washington state recently developed the Parenting Sentencing Alternative (PSA) partnership. PSA allows eligible parents to remain or return home with their children to serve their criminal sentence, while receiving wrap-around services aimed at ensuring the safety and well-being of their children and families. Such programs offer promising models for justice-involved parents with children involved in the CW system.

In 2008, the federal government signed into law the Second Chance Act (PL 110-199) designed to improve outcomes for people returning to communities from prison and jails. This landmark legislation authorized federal grants to government agencies and nonprofits to provide housing, employment assistance, substance abuse treatment, victim support, and other services that can help overcome barriers and reduce recidivism. Most communities have a re-entry council or re-entry services. Child welfare workers may find these resources particularly valuable for their formerly incarcerated clients.

In summary, families involved in the criminal justice and child welfare systems face considerable barriers. Child welfare professionals working with these families play an important role in helping parents navigate through some of these complexities.

AshLee Smith, MPP, is a graduate student at The Humphrey School of Public Affairs. Contact: smit8385@umn.edu

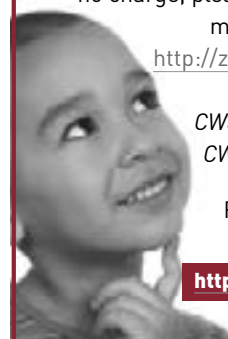
Rebecca Schlafer, PhD, MPH, is an assistant professor in the Department of Pediatrics at the University of Minnesota Medical School. Contact: shlaf002@umn.edu

Want to keep receiving CW360°?

To continue receiving CW360° at no charge, please subscribe to our mailing list by visiting <http://z.umn.edu/cwupdate> and selecting CW360° (print version) or CW360° (online version).

Find archived issues of CW360° at

<http://z.umn.edu/cw360>



Seeing Fathers Through Invisible Barriers: Engaging Dads for the Children

Continued from page 19

and requires a patient approach. As Benti states, “Our participants come to us running at a full speed, but we learn to walk together and not miss important moments in life. We provide guidance through the process rather than telling participants how to live their lives.”

ReEntry participants face numerous stressors upon returning to the community. Most significant is their compliance with probation and supervision requirements. A deliberate, step-by-step service approach focused on stabilization is needed. First, the focus is on the barriers that, if unaddressed, may lead to re-incarceration. Securing employment and housing, finding positive peer support, maintaining sobriety, and seeking mental health treatment usually need to come before reunifying with family. Smaller steps to maintain contact with their children can help build confidence and trust, but it’s important that these fathers avoid taking on too much, too soon. A referral to FATHER Project for more intensive parenting development can provide a longer-term bridge to the future.

By recognizing the positive impact of fathers, we can maximize the wellbeing of children. When we strive to look at our work through that lens, applying best practices for engaging fathers can lead to positive outcomes for both agencies and families. This will require champions at all levels who recognize, understand, and commit to opportunities to engage the full family.

Andrew Freeberg, PhD, is director of community programs at Goodwill-Easter Seals Minnesota. Contact: AFreeberg@gesmn.org

Kinship Care: A Protective Mechanism Amidst the Risks and Effects of Parental Incarceration

Continued from page 20

(Denby, 2012; 2011; Hammond, Graham, Hernandez, & Hinkson, 2014; Miller et al., 2013; Turanovic, Rodriguez, & Pratt, 2012).

Trauma-Informed Service Delivery and Coordinated System Response

Caregivers’ efforts to increase child wellbeing are best served when they are supported by a coordinated service system that combines the efforts of criminal justice and child- and family-serving organizations. An ideal criminal justice and child- and family-agency partnership implements a service approach designed around intervention strategies proven to be effective. In such a partnership, policy coordination

between service systems helps to create a united service delivery model. As a result, programming mitigates the effects of trauma and includes therapeutic visitation (Arditti & Savla, 2015), support centers or kinship navigation (Hammond, Graham, Hernandez, & Hinkson, 2014; Wallace & Lee, 2013), therapeutic and supportive family interventions (Miller et al., 2013), and community-based incarceration alternative programs (Hanlon, Carswell, & Rose, 2007). The efficacy of these types of family-friendly programs is still being established and as such, we must advocate for the testing of these programs to determine the effect that they have on lessening the hardships faced by children. Additionally, the added benefit of these recommended family support models is that they simultaneously address the psychological and emotional distress experienced by children and their caregivers; thus increasing the protective nature of kinship care for children whose parents are incarcerated. As we see increased numbers of children coming in contact with these systems around the country, it is imperative that we expand kinship efforts and provide support to those kinship providers in ensuring child safety and wellbeing.

Dr. Ramona Denby-Brinson, PhD, is associate dean for research and professor with the College of Public Service and Community Solutions at Arizona State University. Contact: ramona.denby-brinson@asu.edu

Family Court Enhancement Project: Improving Access to Justice

Continued from page 21

Additional strategies that are particularly relevant in child protection cases include:

- Judicial training through the National Judicial Institute of Domestic Violence.
- Annual “in house” training of judges, district/county attorneys, law clerks, and staff.
- Training and use of the SAFeR approach guides and worksheets developed by the Battered Women’s Justice Project for improved identification of domestic violence, and assessment of its effects on victims and their children and impact on parenting.
- Identification of culturally appropriate resources and programming to address historical trauma, mistrust of the courts by certain communities, fear that seeking relief from domestic violence could result in intervention by child protective services, and frustration with attempts to have existing protective orders enforced.

The FCEP grant will conclude in 2018. Over the past four years, numerous internal procedures, policies, and processes have been modified and improved. These improvements represent a significant culture shift with respect to the court’s handling of the issue of domestic violence in family court cases. The district hopes that this shift will influence an accompanying shift in the way in which attorneys, ADR providers, evaluators, guardians *ad litem*, and others handle these cases.

Anne K. McKeig, JD, is an associate justice of the Minnesota Supreme Court. Contact: Anne.mckeig@courts.state.mn.us

Mary Madden, JD, is a family court referee of Minnesota’s Fourth Judicial District. Contact: Mary.Madden@courts.state.mn.us

Mending Cultural Fibers: Resilience of American Indian Mothers Caught Between Two Systems

Continued from page 26

take advantage of the resources provided to them in child protection. As systems evolve, they hope to see a shift away from harsh and isolating punishments to efforts that allow creating solutions with perpetrators amongst community. True cultivation of healthy families and communities includes the empowerment of our most vulnerable community members.

Laura Newton is the ICWA program director at Minneapolis American Indian Center. Contact: lnewton@maicnet.org

Kelly Morgan is the ICWA tribal liaison at Minneapolis American Indian Center. Contact: kmorgan@maicnet.org

Charlene Day-Castro is the Bright Beginnings supervisor/ ICWA collaborative case manager at Minneapolis American Indian Center. Contact: cdaycastro@maicnet.org

Teresa Zaffiro-Day is a Bright Beginnings case manager at Minneapolis American Indian Center. Contact: tzaffiro@maicnet.org

Agency Discussion Guide

The Agency Discussion Guide is designed to help facilitate thoughtful discussions during supervision and team meetings about the information presented in this issue.

Discussion on Practice Implementation

1. Poverty, trauma, mental illness, substance abuse and other factors often contribute to someone's involvement in either the child welfare or criminal justice system, especially dual involvement. What are some of the challenges we face as professionals supporting individuals and families involved with both systems? Understanding that there are many contributing factors to systems involvement, how can we as professionals prioritize the needs of individuals and families to best promote success and stability?
2. Among others, the Miller (p. 4) and Gotsch (p. 7) articles emphasize racial disparities and disproportionalities among both systems. Miller explains "three of the most prominent theories posed to explain the issue include: 1) higher prevalence of risks (e.g., poverty, single-parenthood, unemployment, parenting practices) in communities and families of color; 2) individual bias in decision-making practices; and 3) systemic and structural bias in agency policies and practices." How can we as professionals work to address racial disparities in our daily practice?
3. Masten and Hayley (p.13) discuss the unique challenges that the criminal justice and child welfare systems face in promoting resilience of children and families. Of the interventions suggested in this article, do you see any utilized in your agency or with other agency partners? What interventions could you see implemented in your work that would enhance child well-being and strengthen families?
4. We Are All Criminals (p. 30) proposes a shift of perspective on traditional ideas of criminality and people with criminal records. If we as professionals all shifted from thinking about people as criminals to people who were caught and punished for committing criminal acts, what overall impact do you think this could have? How would your daily practice change?

Discussion on Agency- & System-Level Changes

1. As mentioned previously, there is high prevalence of racial disparities and disproportionalities within the criminal justice and child welfare systems. How does your agency approach and/or discuss this issue? Effective and sustainable change takes time and resources, what policy and practice changes can be introduced now to initiate change (local, state, federal levels)?
2. The criminal justice and child welfare systems frequently work in isolation from each other. This is evident in both research and practice. How does this influence your agency's work with individuals and families who are involved in both? What can your agency do to increase knowledge, communication and collaboration between the two systems?
3. This publication touches upon many systemic barriers within both criminal justice and child welfare that can hinder success for families (e.g. lack of services for incarcerated parents, collateral consequences of a criminal record, foster care licensing restrictions, criminalizing substance abuse for pregnant women, lack of trauma-informed practice). What are some of the systemic barriers you see in your agency? How can your agency support change and work to remove these barriers?



Youth Connections Scale

A tool for practitioners, supervisors, & evaluators of child welfare practice

- Measure permanent, supportive connections for youth in foster care
- Guide case planning around strengthening youth connections
- Evaluate practices and strategies aimed to increase relational permanence



Center for Advanced Studies
in Child Welfare
UNIVERSITY OF MINNESOTA

Learn more at <http://z.umn.edu/YCS>



Email us at info@childwelfare.gov or call toll-free at 800.394.3366



Stay connected to child welfare information and resources

From child abuse and neglect to out-of-home care and adoption, Child Welfare Information Gateway is your connection to laws and policies, research, training, programs, statistics, and much more!

Go to <https://www.childwelfare.gov>:

- Sign up for FREE subscriptions
- Order publications online
- Chat live with our Information Specialists



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



Use your smartphone to access the Gateway website.



Introducing the

TITLE IV-E NATIONAL DATA WAREHOUSE

View customizable data visualizations by state for

- » IV-E students
- » IV-E graduates
- » IV-E alumni in the workforce

Technical assistance and resources available for participating programs.

“*The effective delivery of public and tribal child welfare services requires a competent and committed workforce, yet national research does not exist on the recipients of Title IV-E stipends. Through the National Title IV-E Data Warehouse, child welfare partnerships around the country will gain a broader, more comprehensive understanding of these students and the impact and reach of their training.*”

—TRACI LALIBERTE

Executive Director, Center for Advanced Studies in Child Welfare,
University of Minnesota School of Social Work - St. Paul, MN

learn more at iv-edata.com

Resources

This list of resources is compiled with input from CW360° authors and editors, as well the CASCW staff

Governmental Organizations & Resources

- Administration for Children and Families—acf.hhs.gov
- U.S. Department of Health & Human Services, Children's Bureau—acf.hhs.gov/cb
- U.S. Department of Justice National Institute of Corrections—<https://nicic.gov/promising-and-innovative-practices-children-incarcerated-parents-arrest-through-pre-adjudication>
- Department of Corrections, Washington State, Parenting Sentencing Alternatives—<http://doc.wa.gov/corrections/justice/sentencing/parenting-alternative.htm>
- National Institute of Justice—www.nij.gov

National Organizations & Resources

- Battered Women's Justice Project SAFeR approach decision making in IPV-related family law matters—bwjp.org/our-work/projects/safer.html
- Children's Defense Fund—www.childrensdefense.org
- Generation PMTO (Parent Management Training – Oregon Model)—generationpmtto.org
- The InterGen Project at EMPATH—empathways.org/our-work/programs/intergen
- International Association of Chiefs of Police, Safeguarding Children of Arrested Parents—theiacp.org/CAP
- National Child Welfare Workforce Institute—ncwwi.org
- National Children's Advocacy Center—nationalcac.org
- National Drug Court Institute—ndci.org
- National Indian Child Welfare Association—nicwa.org
- National Resource Center on Children and Families of the Incarcerated—nrccfi.camden.rutgers.edu
- Polaris—polarisproject.org
- Sesame Street resources on incarceration—sesamestreet.org/toolkits/incarceration
- The Osborne Association—osborneny.org
- The Sentencing Project—sentencingproject.org

Minnesota Organizations & Resources

- Cornerhouse—cornerhousemn.org
- Goodwill-Easter Seals Minnesota—goodwilleasterseals.org
- Hennepin County Medical Center Mother-Baby Program—hennepinhealthcare.org/specialty/psychiatry/mother-baby-program
- Minneapolis American Indian Center—maicnet.org
- Minnesota Coalition for Battered Women—mcbw.org
- Minnesota Prison Doula Project—mnprisondoula.org
- Minnesota Second Chance Coalition—www.mnmcca.com
- Mill City Kids—www.collectiveactionlab.com/mill-city-main
- National Alliance on Mental Illness Minnesota Chapter—namihelps.org/advocacy/criminal-justice-project.html
- "Read to Me" Program—healthyhennepin.org/stories/books-behind-bars
- UnPrison Project—www.unprisonproject.org

Policy Specific Organizations & Resources

- Center for Juvenile Justice Reform—cjjr.georgetown.edu
- Center for the Study of Social Policy—www.cssp.org
- Child and Family Policy Associates—www.childfamilypolicy.com
- Children's Law Center of California—www.clccal.org
- Coalition for Juvenile Justice—juvjustice.org/homelessness
- GrandFamilies—www.grandfamilies.org
- Human Rights Campaign—www.hrc.org
- Legal Action Center—lac.org
- Movement Advancement Project—www.lgbtmap.org
- National Center for Youth Law—youthlaw.org
- National Immigrant Justice Center—immigrantjustice.org
- National Immigration Law Center—nilc.org
- Southern Poverty Law Center—www.splcenter.org



SCHOOL OF SOCIAL WORK

UNIVERSITY OF MINNESOTA

Preparing students for advanced practice and leadership in social work and youth work

www.cehd.umn.edu/ssw

Minnesota Realistic Job Preview for Child Protection



CASCW produced a new RJP that can be used to assist in hiring processes, and can be particularly helpful with the recruitment, selection, and retention of child protection workers. We also encourage universities to share this video with students considering a career in the field of child welfare. In an effort to capture the complexity and diversity of the child welfare system in Minnesota, CASCW partnered with key stakeholders, including six different counties that represented rural, urban, and suburban populations. This project included the perspectives of managers, frontline workers, and families previously involved with the child protection system. You can view the Minnesota Child Protection RJP along with 12 extended interview video clips at: <http://z.umn.edu/mnrjp>

About CW360°

Child Welfare 360° (CW360°) is an annual publication that provides communities, child welfare professionals, and other human service professionals comprehensive information on the latest research, policies and practices in a key area affecting child well-being today. The publication uses a multidisciplinary approach for its robust examination of an important issue in child welfare practice and invites articles from key stakeholders, including families, caregivers, service providers, a broad array of child welfare professionals (including educators, legal professionals, medical professionals and others), and researchers. Social issues are not one dimensional and cannot be addressed from a single vantage point. We hope that reading CW360° enhances the delivery of child welfare services across the country while working towards safety, permanency and well-being for all children and families being served.



CASCW
School of Social Work
University of Minnesota
205 Peters Hall
1404 Gortner Avenue
Saint Paul, MN 55108

Non-Profit Org
US Postage
PAID
Twin Cities, MN
Permit No. 90155



Download previous
issues of CW360^o at
[http://z.umn.edu/
cw360](http://z.umn.edu/cw360)

In This Issue of CW360^o

An overview of the intersection of criminal justice and child welfare for individuals and families in the United States

- How research and evidenced-based interventions can be incorporated into child welfare and criminal justice systems
- Views on how the child welfare and criminal justice systems can improve practice with individuals and families
- The impact of poverty and its correlation to systems involvement
- Specific strategies and tactics that the child welfare and criminal justice workforce can implement in their own agencies
- Perspectives from individuals with personal experience in the child welfare and criminal justice systems

CW360^o

a comprehensive look at a
prevalent child welfare issue

Feature Issue: Criminal Justice Involvement of
Families in Child Welfare, Spring 2018

Executive Editor : Traci LaLiberte
Managing Editor : Korina Barry
Editor : Kate Walthour
Design : Heidi Wagner
Layout : Karen Sheahan

Acknowledgements: The following individual
has been instrumental to the creation of this
publication: Beth Thibodeau.

CW360^o is published annually by the Center for Advanced
Studies in Child Welfare (CASCW), School of Social Work,
College of Education and Human Development, University
of Minnesota. This issue was supported, in part, by grant
#GRK%80888 from Minnesota Department of Human
Service, Children and Family Services Division.

*The opinions expressed are those of the authors and do not
necessarily reflect the views of the Center, School, College,
University or their funding source.*

*The University of Minnesota is an equal opportunity educator
and employer. This document is available in alternate formats
upon request.*

Suggested Citation: Suggested Citation: LaLiberte, T., Barry, K.,
& Walthour, K. (Eds.).(2018, Spring). CW360^o: Criminal Justice
Involvement of Families in Child Welfare. St. Paul, MN: Center for
Advanced Studies in ChildWelfare, University of Minnesota.