

In the best interest of the child: The mother-child program

With a sense of excitement, tempered with some prudence and forethought, the Correctional Service of Canada is embarking on a new approach to corrections that will include the option of children living with their mothers in a federal institution.

While this is a new challenge for the Service, it is not an entirely new concept - successful mother-child programs exist in the United States and Europe. Similar programs also operate successfully in several provincial institutions, where incarcerated women may keep their children with them until they reach the age of about two or three.

This article examines the principles behind the Service's mother-child program and describes how the program will be developed and operate, focusing particularly on specific concerns that the program has generated. The principle behind the program The 1990 task force report on federally sentenced women⁽²⁾ recognized that the traditional treatment of women offenders often resulted in the denial of their sense of self-responsibility, accountability and self-respect. Therefore, the Service's new regional facilities⁽³⁾ for federally sentenced women are premised on treating women as adults who are responsible and accountable for themselves and their behaviour, while providing an appropriate and supportive correctional environment.

As part of this process, the report recommended the development of a mother-child program to respond to the crucial need for mother-child bonding and the devastation caused to both by any separation. Why? Men generally have a partner or other immediate family members who can care for their children while they are incarcerated. When a mother is incarcerated, it is rare for her partner to remain an active part of her life and a caregiver to her children. This places great emotional strain on the children who lose not only their mother, but perhaps their familiar home and surroundings. The mother also tends to suffer tremendous guilt at having "abandoned" her children.

A recent survey of federally sentenced women⁽⁴⁾ found that about half of the women incarcerated in Kingston's Prison for Women and about two thirds of federally sentenced women incarcerated in provincial institutions have children. Further, about two thirds of the mothers were the primary and sole caregiver.

The women in the provincial facilities were, for the most part, able to maintain close contact with their children through regular (sometimes daily) visits. However, those housed in Prison for Women had the opposite experience. In many cases, it was simply impossible to have regular family visits because of geographical separation. Women whose families lived outside the Kingston area had few visits and contact was maintained primarily by telephone and/or mail. Implementation and operation The goal of the mother-child program is to facilitate, maintain and develop the mother-child bond. As in all facilities, regular and private family visiting programs will be available. If the child is in local foster care (or an alternative placement), visits could occur more regularly, such as every day after school. Weekend and holiday residency could also be available. Finally, full-time on-site residency will be available if both the mother and the child meet established criteria.

The overriding factor and basis for all decision making in the program will be the **best interests of the child**. This will be assessed by comparisons with program eligibility criteria and, when necessary, through partnerships with local child welfare authorities.

Though yet to be finalized, eligibility criteria for the mother (initially developed by the National Implementation Committee) will include considerations such as:

- the existence of a positive, ongoing relationship with her child;
- the mother's physical and mental health (excluding disabilities);
- the consent of court/child welfare authorities, where applicable (the Service will not become involved in custody cases - that is for the mother to work out); and
- the willingness of the mother to facilitate visits between the child and other significant family members, where directed to do so by court or child welfare authorities.

As well, a woman convicted of child abuse and/or neglect will not be eligible to participate in the program until her custody rights are reinstated by the courts, she has received treatment, and/or she has participated in a series of regular visits with her child(ren). Further, any alcohol or non-prescription drug use will result in the termination of eligibility.

If a mother withdraws from the program, re-entry will be denied until the mother has resolved the circumstances that led to her withdrawal. Again, the best interests of the child will be the primary consideration -repeated separations are traumatic.

Contingency plans (such as an emergency caregiver) will be identified by the mother, with the assistance of the program coordinator, in the event that the mother is unable to care for her child.

As for the child, eligibility considerations (in addition to the best interests of the child) may include:

- the child's health;
- the consent of court/child welfare authorities, where applicable;
- regular physical and mental health assessments;
- an age limit, which may be determined by a "triggering" event such as starting school;
- potential disruption to the child's life (as confirmed by appropriate professionals, the mother and other family); and
- the consent of the child, whenever possible.

The new facilities are currently establishing contacts with various community child-care agencies, such as provincial and municipal social services, daycare authorities and child-care advocates. Parenting skills programs for federally sentenced women are being developed. Toys, clothing and resource material for children will be an ongoing need. Qualified and screened volunteer drivers will also be recruited to facilitate visiting between mothers and children living in the community.

The Service is currently focusing on four areas of development. One area can be generally referred to as

legal issues and includes such issues as health care, funding, partnership with provincial child-care authorities and the potential for Service liability arising out of the program.

A second area is the further development of a policy and program framework for the program. The foundation of the framework is the *Regional Facilities Operational Plan* and the work done by the National Implementation Committee, which looked at eligibility criteria, program management, improving understanding of child development and the impact on a child of living in an institution.

Finally, the Service is also focusing on the development of day-to-day operational policies and procedures, and on establishing interim protocols for pregnant women who will have their child prior to the opening of the new facilities. Concerns The arguments for and against housing children in a correctional facility are too numerous to address in any depth in this article. However, it must be made clear that federally sentenced women are not necessarily unfit mothers. Many are able, caring mothers who can offer emotional security to their child.

As in society, some of these women do need to develop better parenting skills and some may need to work on the factors that led to their incarceration before accepting the responsibility for the full-time care of their child. Raising a child in an institution will not be easy. Being surrounded by "would-be" surrogate mothers who may be quick to critique parenting skills would test the patience of most people, without the added pressure of incarceration itself.

For example, one big concern is cases where a mother is temporarily placed in the enhanced security unit. This would probably obligate the removal of the child to an outside caregiver, thus resulting in the child being "punished." However, if the Service is focused on empowering women, and on helping women take responsibility for themselves and recognize the consequences of their actions, then women must also understand and live with those consequences and conduct themselves appropriately to avoid placing their children in such situations.⁽⁵⁾

Another concern focuses on how the general atmosphere of prison and the potential lack of playmates of a similar age will affect children's social and emotional development. Mechanisms allowing children to participate in community activities with peers without their mothers are one way of compensating for this problem. It must be remembered that the child is not in prison. A study is currently exploring this issue and its results will contribute greatly to the composition of programming for children.

Women offenders who have recently given birth, or who are due to deliver prior to their release and before the regional facilities open, are another concern. At present, no federal facility is equipped to house a newborn infant.

Therefore, every effort has been (and will be) made to enable these mothers to spend considerable time with their children. This may include a temporary transfer to a provincial facility, placement of the child close to the institution so that lengthy daily visits can take place, or allowing mother and child to remain together for a time in the health-care unit of a federal facility.

The mother-child program is an enormous undertaking for the Service and there are certainly concerns to

be addressed. However, the importance of such a program to federally sentenced women, their children and their children's future is too great to ignore any longer.

(1) Federally Sentenced Women Program, Correctional Service of Canada, Second Floor, 340 Laurier Avenue West, Ottawa, Ontario K1A 0P9.

(2) *Creating Choices: Report of the Task Force on Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1990).

(3) These facilities are scheduled to open at various times between late 1995 and mid-1996.

(4) M. Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women* (Ottawa: Ministry of the Solicitor General, 1990).

(5) The mother-child program at the Burnaby Correctional Centre for Women operates out of the Open Living Unit of the prison. A woman was recently transferred back to the secure part of the institution from the Open Living Unit and was no longer permitted to have her child with her. The court found that this policy was not discriminatory as the eligibility criteria for the Open Living Unit were reasonable and achievable.