



**NATIONAL RESOURCE CENTER  
FOR FOSTER CARE  
& PERMANENCY PLANNING**

at the Hunter College  
School of Social Work

## *INFORMATION PACKET:*

# *Babies Born to Incarcerated Mothers*

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### ***Facts:***

In most states, a pregnant woman with a state prison term outlasting the term of her pregnancy can expect to lose her child almost immediately after delivery. If the child is born in prison, s/he is removed from his/her mother right away. If born in a hospital, the child is removed when the mother is discharged, usually within 48 hours. In both cases, if the mother is without family or some other approved support system, the child is placed in foster care. California is the only state that allows a woman to keep her newborn with her until the end of her sentence. There are three "Community Prisoner Mother Programs", each with 24 places, in which women and their babies can remain together. At any given time there are approximately 200 pregnant women in the Valley State Prison for Women, in Chowchilla, where all pregnant prisoners are sent (conversation with Cassie Pierson, Legal Services for Prisoners with Children).

Several states offer mothers a chance to keep their babies with them in prison for set periods. Illinois has one residential program in which 15 qualified inmates can keep their babies for up to 24 months. In 2003, 63 babies were born to state female prisoners in Illinois (conversation with Joanne Archibald, C.L.A.I.M.). South Dakota allows an incarcerated mother to keep her baby for 30 days, Nebraska, Washington State, Massachusetts and New York for 12-18 months ([raptivism.com/site/mothers.htm](http://raptivism.com/site/mothers.htm)). In New York State, there are two prison nursery programs: at the Bedford Hills Correctional Facility (opened in 1901) ([sowingseeds.tv/ep12\\_Roulet.jsp](http://sowingseeds.tv/ep12_Roulet.jsp)) and at the Taconic Correctional Facility (opened in 1990). Both address concrete needs and parenting skills. Mothers are screened carefully before they are accepted into any program, nationwide ([ama-assn.org](http://ama-assn.org)). This summary of the issue will focus on the state level, primarily New York State.

The most recent statistic available on the number of women incarcerated in New York State prisons is 2,996, in December of 2002. Fifty-two percent were African American, 25 percent Hispanic, 22 percent white (conversation with Linda Coffee, New York State Department of Correctional Services). New York State has one of the largest female prison populations in the nation, exceeded only by Texas, California, and Florida. Most women prisoners are incarcerated for non-violent crimes, such as prostitution, fraud, or drug offenses ([wpaonline.org](http://wpaonline.org)). There are no state statistics on either the numbers of women entering prison pregnant or of those delivering babies during their prison terms. The most recent (1991) survey of state women prisoners across the U.S. finds that - of a total of 38,796 - six percent, or 2,328, entered prison pregnant (Bureau of Justice Statistics, [ojp.usdoj.gov/bjs](http://ojp.usdoj.gov/bjs)). There are no statistics available on the numbers of women becoming pregnant while in prison - often by guards (Joanne Archibald, C.L.A.I.M.).

According to the Adoption and Safe Families Act of 1997, from the moment a prison-born infant is placed in the foster care system the clock starts ticking on the mother's parental rights. ASFA requires that when a child is under the responsibility of the state for 15 of the most recent 22 months, a "termination of parental rights", or "TPR" must be filed, freeing the child for adoption. In New York State's version, there are three exemptions to the "15 of 22 months rule": i) When an agency can document a "compelling reason" to avoid a TPR, such as a reunification goal in its case planning. ii) If the child is in kinship care. iii) When an agency documents failure to provide sufficient services to give parents the opportunity to reunify with their children. Since 1999, after state implementation of ASFA, TPRs filed in Family Court leaped by a third, to 4,021 (Child Welfare Watch, 2000, 6).

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### *Conclusions/A Model for Change:*

Incarcerated women without family or friends to care for their infants tend to lose their children when serving a term longer than 15 months. As an agency lawyer must voluntarily submit in court a statement of failure to provide adequate services, the chances of this AFSA exemption's being exercised are next to none (Child Welfare Watch, 2000(6), p. 4).

Regarding the reunification exemption, a single, state-incarcerated new mother (with, for example, a two to six year sentence) is typically considered unqualified to be reunified with her child. In order to qualify for reunification, the mother must have regular contact with her child. But if the child is, for example, in New York City and the mother is in prison either in Westchester or upstate, arranging visits presents challenges both fiscal and geographical. Often, the mother will have no idea in which agency her child has landed. She can only make a phone call if the call is collect. Without someone to advocate/make calls on her behalf, she loses her child in the system (personal conversation with Sister Tesa Fitzgerald, Hour Children).

ASFA is well intentioned in that it seeks to expedite permanency planning for foster children (Dodson, D. Legislation Summary), but it ignores the issue of babies born to incarcerated mothers. It forces parents to create/implement a reunification plan (essentially impossible from behind bars) in an abbreviated period, without offering increased services to assist them. ASFA should require The Administration for Children's Services to maintain contact with incarcerated mothers who have the ability to parent their own children when their sentences are up. Ideally, agencies should be required to assist the mothers in a plan for reunification and arrange for babies in the system to visit their mothers in prison. Funds should be made available to provide these and other much-needed services, such as legal representation for the mothers. And the "15 to 22 month rule" should be modified when it comes to incarcerated women who will need more time but have the ability and desire to parent their own children.

Numerous studies show early attachment patterns to be predictive of social behaviors (ama-assn.org p. 8). Keeping incarcerated mothers and their babies together can work preemptively against future psychosocial problems for the child and their associated burdens on the state. It can also motivate the mothers to better themselves, both in prison and in their lives beyond it. Given the current and ever-growing numbers of incarcerated women in the U.S. - since 1980 an almost 500 percent increase, double the rate of men (wpaonline.org). - there is clearly a need for more and longer prison and community-based programs with higher capacities.

Hour Children, in Long Island City, NY, is one such program. Founded in 1995 by Sister Teresa Fitzgerald, its mission is "the compassionate and loving care of children of incarcerated mothers" (Hour Children information packet). Among the many services are five levels of housing including a residence for infants/toddlers of incarcerated mothers and/or mothers reuniting with their children and a residence for mothers on work release from prison nurseries with their babies. Volunteer lawyers counsel women in prison on family court issues. The organization also makes it possible for children to visit their mothers

in upstate prisons. It offers pre-school/day care for resident children, and therapeutic counseling services, both for those children and reunited families throughout the five boroughs. It also runs the prison nursery program (and others) in Taconic Correctional Facility.

Sister Tesa, as she is commonly called, says that the residence for mothers on work release with their babies is “the” place recommended by the state for such mothers. “I don’t get any money from the state to *do* this, mind you,” she says. Hour Children receives no government funding and relies primarily on foundation grants and private donations to finance its annual budget of \$800,000 (conversation with Sister Teresa Fitzgerald). It offers an effective model of support for incarcerated mothers and the babies born to them during their sentences, and it shows that reunification is possible, even in this challenging situation. There is an urgent need for government funding for this and other such programs.

In telecommunications and computer networking, a network packet is a formatted unit of data carried by a packet-switched network. A packet consists of control information and user data; the latter is also known as the payload. Control information provides data for delivering the payload (e.g., source and destination network addresses, error detection codes, or sequencing information). Typically, control information is found in packet headers and trailers. Packet " may refer to: \* Packet (information technology), a formatted block of data carried by a packet mode computer network \* Packet radio, a form of amateur radio data communications using the AX25 protocol \* Packet (sea transport), a packet service is " Wikipedia. " packet-switched " packet switching " packet " switching noun [uncountable] COMPUTING a way of Monthly newsletter featuring informative tarot articles, useful tips, hot new releases, and special sales offers. Wellness Update. Monthly newsletter featuring hot new releases, special sales offers, and informative articles and tips on emotional and physical wellness, holistic living and healing, and personal growth. Witchy Update. " Term: Information Packet. 1 definition 0 articles 2,645 views. DEFINITION: Combinations of programs controlling a numbers of processes. Article 19-A Information Packet. Bus Driver Unit. Article 19-A Information Packet. " article 19-A of the vehicle and traffic law " part 6 of the commissioner's regulations. DS-700 (3/19).