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European Journal of Parental Imprisonment

Child impact assessments and sentencing





Children of Prisoners Europe

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Editor
Hannah Lynn

Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights, and that action is taken to enable their well-being and development.

The European Journal of Parental Imprisonment is a bi-annual publication that seeks to broaden the study of issues relevant to children affected by parental incarceration and meet a burgeoning interest in the development, implementation and evolution of entitlements, policies and practices that promote their well-being. With a view to fostering new perspectives for children with imprisoned parents, the journal features contributions by eminent scholars and experts in the fields of child rights, child welfare, criminal and social justice, psychology, penal affairs and other disciplines; published articles do not necessarily represent COPE's opinions. Selected articles are editorial screened but not peer-reviewed. The editor is committed to reasoned ideological diversity and welcomes suggestions for special issues and contributions.

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Front cover image: Girl, (15). FFP, Norway

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Contents

Assessing the impact on a child when their parent is imprisoned: some ethical questions Kate Philbrick	3
Principles for considering defendants' children at sentencing The Honourable Eleanor L. Bush	5
Child impact statements and the Irish Probation Service [<i>interview</i>] Vivian Geiran	8
Whose rights? What impact? The potential for the development of child impact statements in the Irish criminal justice system Fiona Donson	10
Developments in South African law regarding the sentencing of primary caregivers Ann Skelton & Lynne Mansfield-Barry	14
Child and family impact assessments: key achievements in Scotland Tânia Loureiro & Nancy Loucks	16
Short but not sweet: exploring the impact of short sentences on mothers Lucy Baldwin & Rona Epstein	20
Swedish children's rights lacking when sentencing their parents Johanna Schiratzki	23
Children's well-being prior to paternal incarceration Joni Reef, Anja Dirkzwager, Paul Nieuwbeerta ..	25

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Children's well-being prior to paternal incarceration

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Empirical evidence about the vulnerability of children whose fathers are facing incarceration is limited. The majority of studies on this topic focus on the well-being of children whose fathers have already been incarcerated. Information on children's difficulties before their father's arrest may be important in defining the legal framework for these children's rights. More insight into the support that is needed when their father is in pre-trial detention will help to develop policies that reduce the collateral effects of parental imprisonment. The study currently being carried out by the authors was set up with the aim of examining the well-being of children before their fathers' incarceration in an attempt to fill this gap.

We used data from the Dutch Prison Project, a unique forthcoming, longitudinal data collection among male pre-trial detainees in the Netherlands, and their families. The project targeted male pre-trial detainees who had entered a Dutch detention facility between October 2010 and March 2011, were born in the Netherlands, and were between 18 and 65 years old.¹ For the current study, we restricted our focus to 366 fathers who reported on the well-being of their 571 children. The conditions of multiple life domains of these children were assessed: fathers completed questionnaires to provide pre-incarceration information on life circumstances, family situation, their children's physical and mental health issues, school performance and delinquent behaviour.

The results suggest that children of incarcerated fathers, when compared to children in the general population, experience more adverse life circumstances in various major life domains before their fathers enter the criminal justice system. The children in the Dutch Prison Project displayed more physical and mental health issues, greater academic problems and they often showed behavioural problems and delinquent behaviour. These results are in line with other studies reporting poorer well-being of children of imprisoned parents prior to the incarceration of the latter.² In

addition, paternal absence due to imprisonment can cause further decline of the well-being of children.³ As vulnerable children must be protected from further damage to their development caused by their parent's imprisonment, it is important to consider children's pre-existing adverse life circumstances in parental sentencing processes. In this way, prisoners' children would be treated with more consideration and judges may be more inclined to take account of the importance of a father's presence at home and to consider alternative forms of sentencing.

Mental health

Fathers with a lower socioeconomic status report significantly lower levels of their children's internalising problem behaviour than mothers in the general population.⁴ Our study shows that father-reported internalising problem behaviour (e.g., anxiety and depressive behaviour) was relatively prevalent in children in the current sample. School-age children in particular showed rather high levels of internalising behaviour (nine per cent). These results are in line with earlier studies showing that children whose fathers have already been incarcerated display many risk factors for the development of health problems.⁵ This may be explained by the fact that prisoners—who have a higher incidence of mental health related problems than is found in the general public—often already suffer from similar kinds of health problems in the pre-incarceration period, coupled with the fact that parental mental health problems may affect children's

marijuana use, depression, and poor academic performance. *Criminology*, 50(1), 255-302. Wildeman, C. & Western, B. (2010). Incarceration in Fragile Families. *Future of Children*, 20(2), 157-177.

3 See: Hagan, J. & Dinovitzer, R. (1999). Collateral Consequences of Imprisonment for Children, Communities, and Prisoners. *Crime & Justice*, 26, 121-162. Murray, J. (2005), *op cit*.

4 Duhig, A.M., Renk, K., Epstein, M.K. & Phares, V. (2000). Interparental Agreement on Internalizing, Externalizing, and Total Behavior Problems: A Meta-analysis. *Clinical Psychology: Science and Practice*, 7(4), 435-453.

5 See: Glaze, L. & Maruschak, L. (2008). *Parents in Prison and Their Minor Children*. Bureau of Justice Statistics. Mumola, C. J. (2000). *Incarcerated Parents and Their Children*. Bureau of Justice Statistics Special Report. Bureau of Justice Statistics Special Report. Murray, J. (2005), *op cit*. Schnittker, J. & John, A. (2007). Enduring stigma: The long-term effects of incarceration on health. *Journal of Health and Social Behavior*, 48(2), 115-130.

1 Dirkzwager, A. J. E. & Nieuwebeerta, P. (2014). *Prison Project: Codeboek en Documentatie*. Leiden: Universiteit Leiden, NSCR.

2 Murray, J. & Farrington, D. P. (2005). Parental imprisonment: effects on boys' antisocial behaviour and delinquency through the life-course. *Journal of Child Psychology and Psychiatry*, 46(12), 1269-1278. Murray, J., Loeber, R. & Pardini, D. (2012). Parental involvement in the criminal justice system and the development of youth theft,

mental health issues both through biological factors and environmental factors (e.g., insufficient parenting and lack of attention for children).⁶

Physical health

Our study suggests that children with fathers who will soon be incarcerated show more chronic childhood medical problems when compared to the general population according to data from the Dutch National Institute for Public Health and the Environment.⁷ Children whose parents were facing imprisonment had considerably higher scores on back and neck complaints, migraine and abdominal pain. This is in line with previous studies that report that a lower socioeconomic status (which is associated with prisoners) is linked to morbidity and inferior life circumstances.⁸ Furthermore, a reduction of financial capacity linked to the imprisonment of a parent may cause a reduction of access to insurance and the availability of medical facilities for a family.⁹

Academic performance

Among other factors, we assessed the academic performance of children whose fathers were facing incarceration. Fathers reported on their children's reliance on special education programmes, as well as on communication problems, emotional and behavioural issues, developmental disorders and physical disabilities. Thirty per cent of the children had learning difficulties prior to their parent's incarceration. Moreover, twelve per cent of the children

6 See: Murray, J. & Farrington, D. P. (2008). The effects of parental imprisonment on children. *Crime and Justice: A Review of Research*, (37)37, 133-206. Van de Rakt, M., Ruiter, S., De Graaf, N. D. & Nieuwbeerta, P. (2010). When Does the Apple Fall from the Tree? Static Versus Dynamic Theories Predicting Intergenerational Transmission of Convictions. *Journal of Quantitative Criminology*, 26, 371-389. Wildeman, C. (2010). Paternal Incarceration and Children's Physically Aggressive Behaviors Evidence from the Fragile Families and Child Well-being Study. *Social Forces*, 89(1), 285-309.

7 RIVM. (2010). *Klachten en kwalen bij kinderen in Nederland*. Den Haag: Rijksinstituut voor Volksgezondheid en Milieu.

8 See: Johnson, E. I. & Waldfoegel, J. (2004). Children of incarcerated parents: Multiple risks and children's living arrangements. In Pattillo, D. W. M. & Western, B. (Eds.), *Imprisoning America: The social effects of mass incarceration* (pp. 97-131). New York: Russell Sage Foundation. Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, 67(4), 526-546. Wildeman, C. (2012). Imprisonment and Infant Mortality. *Social Problems*, 59(2), 228-257. Wildeman, C. (2010), *op cit*.

9 Massoglia, M. (2008). Incarceration as exposure: The prison, infectious disease, and other stress-related illnesses. *Journal of Health and Social Behavior*, 49(1), 56-71. Wildeman, C. (2012). Imprisonment and (inequality in) population health. *Social Science Research*, 41(1), 74-91.

attended schools specially designed to educate children using individually planned teaching arrangements and intervention to achieve academic success; this is more than twice as high as the level found in the general population.¹⁰ Children of fathers facing imprisonment are expected to be affected by many factors outside the school environment that influence their academic performance. Studies have shown that many men in prison have attained relatively low formal educational levels. Studies investigating the educational levels among prisoners have shown that 22 per cent of prisoners assessed had not completed any level of education at the moment of arrest, and only ten per cent had completed elementary school or special education.¹¹ Studies have also shown that where levels of parental academic achievement are low, parents' expectations of their children's educational level will also be low, which in turn is found to be related to the children's actual academic performance.¹² Furthermore, low levels of engagement in parenting have been found to predict poor academic achievement; since the level of engagement is generally poorer in lower socioeconomic families, this could explain the low academic performance in the current sample.¹³

Delinquency

The fathers reported that eight per cent of the children included in the study had been arrested at some point, which is a high percentage of children compared to two and a half per cent in the Dutch general population.¹⁴ In addition, the frequency of juvenile detention sentences among the children was high. Fathers reported the rate of their children's juvenile detention as being four times higher than the rate in the general population. Regarding the behaviour of children prior to the

10 CBS (2011). *Jaarboek Onderwijs in Cijfers-Statistics Netherlands*. Den Haag: Drukkerij Tuijtel BV, Hardinxveld-Giesendam.

11 Mol, G. D. & Henneken-Hordijk, I. (2008). *Gedetineerd in Nederland 2007: Een survey onder alle gedetineerden in het Nederlandse gevangeniswezen*. Den Haag: Dienst Justitiele Inrichtingen Nederland.

12 Zhang, Y., Haddad, E., Torres, B. & Chen, C. (2011). The reciprocal relationships among parents' expectations, adolescents' expectations, and adolescents' achievement: a two-wave longitudinal analysis of the NELS data. *Journal of Youth and Adolescence*, 40(4), 479-489.

13 Murray, J. & Farrington, D. P. (2008), *op cit*. Murray, J., Farrington, D. P. & Sekol, I. (2012). Children's Antisocial Behavior, Mental Health, Drug Use, and Educational Performance After Parental Incarceration: A Systematic Review and Meta-Analysis. *Psychological Bulletin*, 138(2), 175-210.

14 Laan, A. M. van der, Blom, M., Tollenaar, N. & Kea, R. (2010). *Trends in de geregistreeerde jeugdcriminaliteit onder 12- tot en met 24-jarigen in de periode 1996-2007. Bevindingen uit de Monitor Jeugdcriminaliteit 2009*. Den Haag: WODC Cahier 2010-2012.

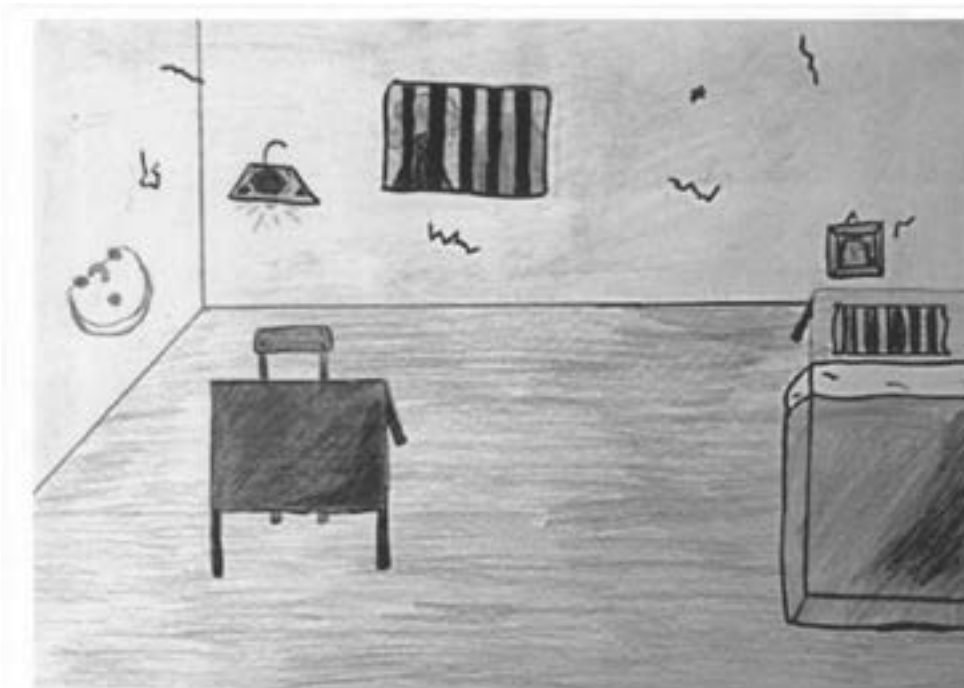
incarceration of their parent, our study found that the children regularly showed signs of externalising problem behaviour (e.g., rule-breaking and aggressive behaviour). School-age children in particular showed rather high levels of externalising behaviour (thirteen per cent), when compared to school-age children in the general population (nine per cent).¹⁵ This was expected, as previous studies had shown that children of fathers with externalising mental health problems are at risk of similar mental health problems themselves through intergenerational transmission¹⁶, and studies have previously demonstrated that prisoners show relatively high levels of externalising mental health problems.¹⁷

15 Verhulst, F. C., van der Ende, J., & Koot, H. M. (1996). *Handleiding voor de CBCL/4-18*. Rotterdam: Erasmus University/Department of Child and Adolescent Psychiatry, Sophia Children's Hospital.

16 See: Van der Rakt, M. et al. (2010), *op cit*. Van Meurs, I., Reef, J., Verhulst, F., & van der Ende, J. (2008). Intergenerational Transmission of Child Problem Behaviors: A Longitudinal, Population-Based Study. *Journal of the American Academy of Child and Adolescent Psychiatry*, 48(2), 138-145.

17 Fazel, S. & Danesh, J. (2002). Serious mental disorder in 23,000 prisoners: A systematic review of 62 surveys. *The Lancet*, 359, 545-550 and Schnittker, J. & John, A. (2007), *op cit*.

In summary, our study suggests that children of fathers facing incarceration frequently suffer from considerable disadvantages regarding their life circumstances and well-being when compared to children in the general population. Fathers reported problems regarding physical and mental health among their children, as well as problems with school performance and delinquency. Our findings point to several recommendations. First, the finding that children already suffer from many adverse life circumstances at the point of incarceration calls for a comprehensive consideration of the well-being of children of fathers who enter the criminal justice system; the instance of parental incarceration might be an excellent opportunity for intervention and the administration of age-appropriate social services. Second, we recommend further research to evaluate special parenting requirements for this unique group of vulnerable children. Third, the development and implementation of appropriate "needs assessments" for families in the sentencing process are necessary. If these were to be introduced, judges may be more inclined to take account of the necessity of a father's presence and support at home. Finally, if children are involved, we recommend a greater use of alternative forms of sentencing such as probation and electronic monitoring.



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