Working with the families and children of prisoners in Aotearoa / New Zealand

A guide to effective practice to ensure good outcomes for the children
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2011

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Acknowledgments

Pillars wants to thank the David Ellison Charitable Trust and First Sovereign Trust for the design and printing of this manual.

This practice manual was developed and written in 2010, but will be subject to frequent updates online

Print version: ISBN 978 0 9582883 9 2

This manual, with any updates, is also available online at the following websites:

www.pillars.org.nz
www.justus.org.nz

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Introduction

At any one time, more than 20,000 children in Aotearoa have a parent in prison. An in-depth research programme undertaken by Pillars has found that the effects of imprisonment on the children are profound and long lasting. Agencies of Justice and social services can, through poor policies and practices, can and do make things worse for the children.

The purpose of this practice manual is to provide practical guidelines for supporting children in families or whānau where a parent is imprisoned. The manual is intended for use by individuals and agencies who work with families and whānau of prisoners in Aotearoa / New Zealand, and the families and whānau themselves. This includes NZ Police, social workers, court support workers, prison workers, counsellors, community support workers, school teachers and guidance counsellors.

Our research shows that during the time the parent is in prison, most of the children live in benefit funded homes with caregivers that often find it difficult to cope with their many needs. As a result, the children’s health, emotional strength, self-concept and educational progress rarely improve and may decline. Sometimes the children get counselling, and sometimes this is effective. But in reality, most of the children of prisoners get few interventions to assist and support their needs.

We did find some families and whānau that were doing reasonably well in work, and their children were managing to get access to services and living relatively stable lives. Having a reasonable income through work, access to support services and a confident outlook all helped.

Using this document

The guidelines in this report are evidence-based and related directly to the findings of the research about children of prisoners in New Zealand. Our aim is to support good practices that touch the lives of the children and minimise trauma. Our aim is to help children and support their resiliency and success.

This report is organised in a way that follows the family and whānau through the steps of the justice system, and then details the continued support for the family and whānau in the community when the parent is imprisoned. Each step of the process begins with a short statement based on the research, which is followed by key bullet points, and short stories by family and whānau members. We then detail the good practice strategies.

Additional resources are available on Pillars’ dedicated website, www.justus.org.nz, which seeks to explain and support the process leading to imprisonment and beyond. While written primarily for children and whānau, the site also provides advice and information for organisations in the justice, social services, education and health areas.
Bill of Rights for the children of prisoners

If children are treated carefully and respectfully by all agencies, whether justice, prisons or social, health or educational, then the emotional harm to children who have a parent in prison can be reduced. The principles of the Children’s Bill of Rights developed in San Francisco by San Francisco Children of Incarcerated Parents Partnership, provides an excellent guide for the basic treatment of these children. PILLARS has adopted this Bill of Rights, and these principles underpin all recommended practices in this manual.

When children experience traumatic circumstances associated with the arrest and imprisonment of a parent, the effects can stay with them for years. Children often feel disempowered, ignored, denigrated or blamed. Where agencies specifically adopt a rights based approach, the trauma can be significantly reduced.

An acknowledgement of children’s rights can reduce the anger and alienation they experience. Our research has shown that this anger, over time, makes it more likely that the children will head down the parental path to imprisonment.

Bill of rights for children with a parent in prison

1. I have the right to be kept safe and informed at the time of my parent’s arrest.
2. I have the right to be heard when decisions are made about me.
3. I have the right to be considered when decisions are made about my parents.
4. I have the right to be well cared for in my parent’s absence.
5. I have the right to speak with, see and touch my parent.
6. I have the right to support as I face my parent’s imprisonment.
7. I have the right not to be judged, blamed or labelled because my parent is in prison.
8. I have the right to a lifelong relationship with my parent.
Parent arrested or detained

About one in seven cases of arrest takes place in the family home. If the police think that there are drugs or other evidence in the house, or that the person being arrested is dangerous or likely to resist arrest, they may enter the house. Such entries often take place at around 6am, and involves multiple police (anywhere from 4 to 30), dogs, and even the Armed Offenders Squad.

Our research has found that such arrests have long term traumatic effects on the children. Often the children are ignored, or poorly treated. We were told that there is no requirement for police to take into account whether children are present in a house being entered. Family members are usually required to sit in a room, or even wait outside, for several hours while a search is in progress. They are often refused permission to eat breakfast or even go to the toilet.

Research suggests that the arrest of a parent is a traumatic event for the children of prisoners.

Seeing the arrest of a parent is a nightmare that can stay with children for many years.

New Zealand police have a high degree of discretion around how they go about arrest.

New police procedures for domestic violence, include consideration of the needs of the children.

If the arrested parent is sole carer for the children, the children’s safety is an immediate issue.

Family members are often bewildered and may not know where to turn.

“It was 6am. The whole family Mum, Dad, Grandparents and the two children were all asleep when police and dogs arrived. Everyone was required to wait outside while the house was searched, the children still half asleep. The older child was very embarrassed as we had just moved there and all the neighbours were watching.”

“It was David’s twelfth birthday and he had a big day planned when around 30 members of the Armed Offenders Squad swarmed into the house with four dogs. They shouted and yelled and they popped round corners with their guns. Dad gave himself up and they did not even use handcuffs. The whole family was traumatised and in tears all day.”

Part 1: Supporting children through the Justice system
Good practice ✔

1. Arrest protocols that support and protect children
   • If children are likely to be in the house where an arrest is to take place, police must plan to ensure that trauma is minimised.
   • The potential harm must be weighed against any benefits of this kind of arrest. A large operation, for example including armed officers or dogs, should require a higher level of planning for the children’s wellbeing.
   • If families / whānau have to be isolated in their home during a search, they must have access to food and toilets.
   • Avoid sirens and lights in non-emergency events.
   • Avoid handcuffing a parent in sight of children wherever possible.
   • Allow arrested parent to place additional phone calls to arrange child care.
   • Police to take a family crisis intervention worker with them when children are involved.
   • The police should keep caregivers and children informed about the location of the arrested parent.
   • Police training and professional development needs to include ways to reduce the impact and trauma of parental arrest on the children.

2. Care of children of arrested parent
   • If the arrested person is a sole parent, an alternative caregiver for the children must be found at once. This to be usually a family / whānau member, if possible the sibling or parent of the arrested person.
   • Detailed advice and support needs to be given to the new carers to
     (a) reduce the childrens’ trauma,
     (b) help the children settle into their new home, and
     (c) reduce the potential long-term effects of the arrest of a parent.
   • Family crisis intervention workers to be appointed to provide support during and after an arrest.
   • Children and caregivers must be offered basic information about the post arrest process.

The Osborne Association has recently released a report “A Call to Action – Safeguarding New York’s Children of Incarcerated Parents,” that covers the issue of child-friendly arrest protocols. The report can be downloaded here[^1].

[^1]: [http://www.osborneny.org/blog/post.cfm?refer=blog&postId=30](http://www.osborneny.org/blog/post.cfm?refer=blog&postId=30)
The trial

Our research revealed that everyone had an opinion when it came to whether children should attend their parent’s trial. There is concern that sometimes children are taken to court just to demonstrate that the person on trial has a family, in the hope of a reduced sentence. But the research revealed that there were a variety of reasons why children went to court to see the trial of a parent.

It can be distressing for young children to see, but not be in contact with their parent in court.

Some lawyers recommend taking small children to court to demonstrate that the person on trial has a family in the hope of a reduced sentence.

Sometimes a parent wants the support of the child/ren at this time.

Older children may want to attend court as a way of understanding what is happening to a parent.

“Before I attended Dad’s trial I went to a counsellor. She took me to the court house and explained what was going to happen, and showed me around. I found this really helpful.”

““The children knew what was going on because they understand English better than I do.”

Good practice ✔

- Court support workers should provide information about the court processes and external childcare support to family/children.
- Lawyers must not pressure parents to take young children to the court.
- If older children want to attend court, these children to be provided with information about court processes.
Sentencing

Family and whānau, partners and children are often in a state of shock at sentencing, and often may not take in details of the sentence. They may have sat through a lengthy trial, and suddenly find that everything is over and they have not had the opportunity to say good-bye before the person is transferred from the court to the prison. They may not know to which prison their partner or parent is being sent.

Families and whānau do not always take in all the details of the sentence.

Sometimes the convicted parent is not permitted to say good-bye to his/her children.

Families and whānau need to be provided with information about the prison system.

“The children were present on the day of sentencing. She was meant to be sentenced at 10am but it didn't happen until 4.30pm. The children stayed outside the courtroom when she was actually sentenced. The children were able to see the prisoner before she was taken. They were able to cuddle her. The police were ace.”

“There was no contact allowed. There were no goodbyes.”

Good practice

- Family support workers to ensure that the family/children have support with them at time of sentencing.
- The person supporting the family/children at court to ensure that the family and whānau understands the conditions/terms of the sentence.
- Families and whānau to be given the opportunity to say goodbye at the court before the parent is removed to prison.
- Parents / caregivers to be encouraged to be honest with their children about the sentence.
- Lawyers, court support workers, and NZ Police to ensure that families/children of prisoners are provided with the information they need:
  (a) That they can expect a phone call from the family member in prison usually within 24 hours.
  (b) That they must fill in an application form for visiting.

These to be made available online at www.corrections.govt.nz.

Application forms for visits to be available at the Court (with pre-paid addressed envelope).

- Additionally, the Department of Corrections should implement a system of online application and authorisation for visiting a family member in prison.
Imprisonment

Families and whānau with a member in prison tend to be very critical of the prisons. Two areas in particular (in addition to visiting which is addressed separately) were identified by caregivers. Firstly, they identified a lack of information about how prisons work. Secondly, the apparent arbitrary changes (for example the prisoner being moved without notice) resulted in caregiver frustration.

If children are to maintain contact with a parent in prison it is important that they have the opportunity to visit. Our survey of prisoners found that 54% of children live more than an hour’s drive from their family and whānau, and only 34% of prisoners were near all their children.

Good practice

At present, there is no requirement or even consideration to ensure that a prisoner is located near to families and children. More than half of the prisoners in our research lived more than an hour’s drive from any of their children.

- In general, children need to have regular access to the parent in prison.
- Where possible, the parent should be imprisoned in the nearest prison to the family/whānau.
- Prisoners should be given multiple opportunities to locate their children and contact individuals and agencies caring for their children.
- Families and whānau should be informed when a parent in prison is to be moved to a prison away from the children, giving sufficient notice so that the parent in prison can undertake familial and parental obligations prior to the separation.
- Prison environments should encourage imprisoned parents to take on their responsibility as parents (eg shared family meals, family celebrations, involvement with their children etc.).

“They need to inform people a bit more about the process; about what is happening. It is all trial and error, nothing can be communicated to us, and they are always grumpy. At the start we thought – how do we know things? You don’t get given a little book. There is no 0800 number to ring and find out how we can visit him. We thought “what happens if he dies?” Who actually gets informed?”
Communication with the parent in prison

The family members/children should find out where their parent has been imprisoned. It is the responsibility of the imprisoned parent to notify their family / whānau, and they get one phone call to do this. This usually happens within 24 hours of sentencing.

Prisoners must purchase phone cards in order to communicate by phone with their families. Phone cards can also be purchased by family / whānau members and be taken into the prison. Mobile phones do not work in the prison environment.

Prisoners are given stamped envelopes so that they can write letters to family members. This is a cheap form of communication. But in the internet age, new forms of communication should be explored to maintain relationships between children and their incarcerated parent.

“Sometimes I don’t want to give any more money. But if I don’t give it, then he won’t be able to ring... and the kids just love talking to him more than they love going out there. So if the kids don’t get to talk to him... how’s that going to make them feel?... Every time the phone rings, they’re going to think it’s him, and it’s not, because he doesn’t have money for phone cards. Sometimes you can’t afford it but you sacrifice for the kids, because they need to speak to their father.”

Good practice

Calls from prisons using phone cards can be expensive and this can be a burden on families.

- Families and whānau should be informed that they can set up an 0800 number at reasonable cost on their home landline. This enables calls at no expense to the prisoner.

- Prisons to set up and facilitate interaction with parents and their children using the internet as a supplement to in-person visits for families and whānau who may be unable to travel due to distance, health or economic reasons.
Financial issues

Prisoners each have a Trust Account during their time in prison. Prisoners get provided with basics but must purchase things like toiletries, coffee and snacks from their trust accounts. A prisoner may earn a small amount of money (approximately 40 cents an hour) for work in prison which is paid into their Trust Account. Often, family / whānau members struggle to provide top-ups to the trust account, particularly for phone cards.

In New Zealand, prisoners may wear their own clothes, and these must be provided by their families and whānau. A form must be completed, and a set number of clothing items predetermined by the prison is allowed. This is another direct cost met by the families and whānau of prisoners. Many of the families want to provide more support to the prisoner, but find it hard to do so.

In our research, partners, parents, friends and even adult children often put money into a prisoner’s trust account. Because families are not allowed to take items into the prison, purchasing through the Trust Account through the prison’s sole supplier is the only way to procure items. Goods are very expensive purchased this way, but there is no choice.

An additional cost on families is travelling and accommodation when visiting a family member. PART has some funding to assist children to visit parents, but this is insufficient.

Family members struggle to ensure that money is in their family member’s trust account.

Families must provide clothing for their family member in prison.

Some parents use scarce resources to support the person in prison and at the expense of the needs of their children.

“I think he gets plenty. But it feels like it’s not enough, because it’s a horrible place so I want him to be comfortable.

We need more support, not them. It can be stressful at times, when I put money in then realise I need it for basic things.”

Good practice

• Supporters to prioritise family benefits for the care of the children, not the parent in prison.

• Professionals to understand that family and whānau members in prison can put pressure on families to contribute to their trust account.
Prison Visiting

Our research found striking differences between prisons in the range of support for and facilities around child visiting. Some stories were heartening, like the prison that invited a woman’s four children into a weekly shared meal with their mother, so that they could slowly get to know her (she had been in prison a number of years). Other families / whānau talked about experiencing a wide range of conditions, including cold and unfriendly faces, overcrowded conditions and venues with no access to food, drink or toys for the children. Children that visited with prison volunteer workers tended to gain better access than others.

Prisons have become increasingly unfriendly to child visitors in recent years. The main reason appears to be security concerns, because adults have been caught trying to smuggle items in via children’s clothing and nappies. Curtailing visits, removing comforts like food and drink, developing an atmosphere of suspicion and reducing contact between parents and children are all common. Our fear is that if children are treated in this way from an early age, they will, as adults, become what they were deemed to be as children.

Unusual views were expressed by some stakeholders, for example that visiting should be as unpleasant as possible in case children become comfortable, or ‘normalised’ in the environment. In short, an alienating environment is seen by this group as an advantage. However, there is no evidence to support this view. The factors that turn children into criminals are more likely to be about alienation and anger, rather than an affinity to prison resulting from previous visits.

“There are huge differences between prisons in the range of support for and facilities around child visiting.

Prisons have become increasingly unfriendly to child visitors in recent years. The main reason for this appears to be security concerns.

“It’s irritating and annoying. We wait in a long line and sometimes the prison officers are quite rude. Get searched all the time, the dogs are horrible. Used to have vending machines, they don’t now so kids really hate going now. Don’t have books and toys either so have to just sit.”

“A lot of prisoners have families, and the prison service don’t care about them, and I think that part of it’s just wrong. Especially with the millions and millions they’re spending on these new prisons, they should be catering for the children to visit, they cater for everything else.”
Good practice

The Department of Corrections needs to develop national practices for supportive visiting for children, to make visiting child friendly for family/whānau and child.

• There needs to be a national policy and related practice for a family friendly visiting environment.

• Food and drink should be available for all visitors including children.

• During visiting, activities should be provided that encourage interaction between the children and parents.

• Corrections staff to be trained in child development and the importance of facilitating parent/child relationships.

• It is generally important that children in Child Youth and Family (CYF) and foster care maintain contact with their parent in prison.

• Ensure transportation is available for family and whānau to visit prisons, and increase the funds available for children to travel to visit incarcerated parents.

• The Department of Corrections needs to update its website to provide clear and effective information to families/whānau that facilitates good visiting experiences. This includes online application and approvals, visiting times, an information brochure, a dedicated phone number for specific guidance for visiting rules and processes and other useful resources.
PART 2: Supporting children in the community

Social and economic factors

Two thirds of the families in our research study live on benefits, and a number of others are on National Superannuation, sometimes supplemented by the Unsupported Child Benefit. Most of the families on benefits find it difficult to make ends meet. Some have to pay debts, or finance loans taken out in better times.

Many of the prisoners make and re-make families, sometimes ending up with children to two, three or even more different partners. Often these partners end up as single parent families trying to bring up the children in often difficult circumstances, usually supported by a benefit that is far from adequate. Some of these children end up in the care of Child, Youth and Family (CYF) and are sent to live with either wider family and whānau or others. In many cases the children move in with grandparents. Those in CYF’s care receive funding for additional costs eg counselling, bedwetting costs, respite care, health costs. Families and whānau that care for children with a parent in prison do not get these extras, even though they are often greatly needed.

Some of the caregivers cope well, are on top of any problems and feel the children are doing really well. However, where the prisoner’s partner is left behind to care for the children, the family and whānau is likely to suffer financial insecurity and even poverty, social dislocation and poor physical and emotional health. Many fail to make ends meet on benefits. These caregivers often have little ability to access quality services for their children, but those that do, report better outcomes.

“Families and whānau of prisoners bring particular issues with them; families have to move or change composition – all come with financial costs.

Many children are sent to live with extended family members, often grandparents.

Where the prisoner’s partner is left behind to care for the children, the whānau is likely to suffer financial insecurity and even poverty.

Poverty makes the effects on children worse.”

“When I went to WINZ (Work and Income) they made me feel like I shouldn’t be doing what I was doing [looking after the grandchildren] …I felt like there should have been a little bit more respect….I gave up a fulltime job to take these children on, so they wouldn’t end up in the system.”

“Every time I went I got a different person and had to tell my story over and over again. I find it degrading, because you have to defend yourself over and over again.”
Good practice

• Work and Income needs to recognise the special needs of families and whānau supporting children with a parent in prison. Staff need to receive training so that they are able to respond in an appropriate way. Needs include:

(a) Recognise that families and whānau have additional financial costs.
(b) Recognise that families and whānau have additional child needs relating to sickness/behavioural issues.
(c) Staff should treat all applicants with respect and compassion and not be judgemental.
(d) Families and whānau should have a dedicated case worker.

• Grandparents/caregivers must be told of all their entitlements for financial support. This is crucial for the well being of the children.
Health

The main finding of our research was the poor physical, emotional and mental health of many of the children of prisoners. Their poor health status affected every area of their lives, making it hard to learn, hard to make friends, and hard to deal with issues. It kept them emotionally immature and vulnerable to substance abuse and negative peer influence as they approached adolescence.

We introduced the notion that the effects on the children differed with age. Young children appeared to be affected most by nightmares and attachment issues, such as clinginess and crying. Those in middle childhood had learning difficulties, anger, defiance and various emotional effects such as bedwetting and bullying. Adolescents, often behind in their education were often very angry and may be involved in bullying, anti-social behaviour and substance use and abuse. The notion that the effect may differ by age was supported by the National Health Committee’s (2010) report, which came up with its own ‘four stage’ categorisation.

Many children with a parent in prison suffer poor physical, emotional and mental health.

Po poor health affects every aspect of their lives.

The effects on the children differed with their age.

Some children have experienced extreme trauma.

Few children received appropriate support or treatment.

"They just miss Dad. Since he has gone they are bed wetting, sleep walking, having anger, bad dreams and desperation. These are all completely new problems that they never had before."

"My son is drinking, smoking pot, he doesn’t seem to care what he looks like. He’s really skinny; his eating habits are really bad. A lot of kids do drugs to not think about stuff. Youth Aid officer was concerned he had depression, but my son didn’t want to talk to the doctor so there’s not much I could do. I left numbers he could call laying around."

Good practice

• Assistance should be sought for children soon after the arrest of their parent.
• GP services should work actively with these families and whānau.
• Counselling services should be made available.
• Best practice mentoring programmes should be made available.
• A Whānau Ora type of service that works at an holistic whānau level would be the best response to the needs of children with a parent in prison.
Education

Various factors contributed to the worsening educational performance of many of the children. The main one is emotional difficulties: worry, fear, anger and upset all acted as barriers to effective learning. Some of the children were bullies or bullied, too. Truancy, access to alcohol and drugs, suspensions from school and other factors also affect performance. Students need to be in the classroom and engaged in learning, and many are not.

Family transience is an issue as families and whānau move around the country to be close to the parent in prison, or move house regularly as they fall behind with rent. Children may be moved around various members of their family and whānau which may also involve changing schools.

The best way to keep the children of prisoners of becoming offenders is to ensure they achieve educational success.

Teachers and schools were usually supportive of children with a parent in prison.

Most children's learning was strongly affected.

Schools are not well-geared to respond to learning crises caused by the breakdown of health and social upheaval.

Students need to be in the classroom and engaged in learning, and many are not.

“Prior to the arrest the 15 year old went to boarding school, but he didn't like it so he changed and went to a school in Pahiatua. He had only been there a week when the arrest occurred. Then he went to Taranaki to stay with his grandparents and go to NPBH.

Both boys went there until she moved to Wellington and both started at Heretaunga College. Then the 15 year old went back up to NPBH, and the 14 year old stayed at Heretaunga. This is what it has caused; they never would have had so many changes if the imprisonment hadn't happened.”

Good practice ✔️

- Where possible, schools should be informed that a parent is in prison and asked to provide additional support to help the children.
- Teachers to be provided with professional development about issues faced by the children, including trauma and emotional harm.
- Schools to ensure that children are safe in the school environment.
- Teachers recognise that the child’s ability to learn may be disrupted at this time and the child may have special needs.
- Where schools have social workers in schools, they should be notified that they have a child with a parent in prison, so that they can visit the family.
- If schools do not have social workers, a liaison person in each school be appointed. These teachers can be trained by PILLARS.
Stigma and discrimination

There is a challenge for the whole of society in working to stop the effects of a parent’s imprisonment impacting, directly or indirectly, on the children. Children have the right to be treated well, to be cared for and viewed as people with individual skills and talents. To stigmatise them for their parent’s crime is wrong. As well, the families and whānau of prisoners should not be condemned for crimes they did not commit. Many whānau live in fear of the community’s response to their status. Many children are bullied at school. Professionals, neighbours, friends, local community leaders and teachers need to provide leadership to support and strengthen these family and whānau.

Some families and whānau have to deal with the economic and social realities of the imprisonment of a loved one and, on top of that, the judgemental attitudes of a hostile community.

Children are often bullied at school because their parent is in prison. Often, the children become bullies in turn. These things affect their learning.

We live in an increasingly punitive society, and the brunt of those attitudes may fall on vulnerable families who are unable to cope effectively with them. Professionals should take the lead in providing a compassionate, positive environment to support the families and whānau of prisoners, and especially the children.

“Her partner was seen as a bad person by the community, there was a lot of negativity. She got threats from someone via text saying they should leave town. She was scared because she was home alone with her sons when it first happened and she thought people might come and try and steal things”.

“Yes, the whole town knows. Was in the paper and was really bad. It affected the children. [The media] wrote “Killer Jailed” and the kids were just so upset by it. A lot of the 14 year old’s problem was that she was being bullied at school by other children about it and she retaliated and then became a bully. They hated it …because their whole world was coming apart, including their home. People stare and talk about them”.

Good practice

• Schools should work to foster positive attitudes and overcome bullying.

• All social agencies should ensure that their interactions with the families and whānau of prisoners are positive and affirming.

• Communities should work to support, rather than judge, the families and whānau of prisoners.
How to stop intergenerational offending

The research has traced out a pathway followed by many (but not all) of the children of prisoners. The path shows an accumulation of factors, underpinned by low income, inadequate housing and transience, social stigma, emotional damage, poor health, anger and alienation, declining educational achievement and poor practices in adolescence.

The majority of the adult prison population have mental health and alcohol or drug problems. Most have poor educational outcomes. As they get older, many of the children in the research tend to take on the profile of their imprisoned parent. Emotional damage leads to mental health problems and substance abuse, educational failure and poor life chances.

The core finding of the research is that these poor outcomes can be overcome, and the numbers of children of prisoners heading to prison in the next generation significantly reduced, with concerted and high quality interventions.

The themes for practice that need to be adopted are:

• The earliest possible intervention, especially with health and emotional problems, with a focus on health services, counselling and mentoring.

• Good treatment, respect and support from the justice authorities, and an absence of frightening or alienating experiences for the children.

• Resources available for meeting the health, social and educational needs of the children as these problems arise. This should include specialist counselling, educational assistance and other forms of support.

• Resources to emotionally support the children, to teach them emotional maturity, to help them deal with their anger effectively, anti-bullying initiatives and restorative practices at home and school if they do get into trouble.

• Positive, high quality educational processes and outcomes, including additional support in the classroom where necessary.

• Support for families and communities, especially in areas with very high rates of imprisonment, and especially using a holistic ‘wrap-around’ approach such as Whānau Ora.