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Children of Arrested Parents: Strategies to Improve Their Safety and Well-Being

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Prepared for the California Research Bureau

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C A L I F O R N I A

R E S E A R C H B U R E A U

Children of Arrested Parents: Strategies to Improve Their Safety and Well-Being

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SUMMARY

This report examines, from a practice and policy perspective, issues pertinent to the safety and well-being of children affected by the arrest of a custodial parent. It focuses particularly on families where either the sole or both custodial parents have been arrested, and there is no evidence of child abuse, neglect or abandonment. Such evidence triggers a system of mandated response by law enforcement, child welfare agencies, and the courts. In situations where there is no such evidence, arresting officers are not mandated to report children at risk of being left without care or supervision to Child Protective Services (CPS). Nor is CPS mandated to respond to officers who request assistance with locating safe temporary care for such children.

As a result, children are frequently placed with relatives, friends, or neighbors of the arrestee. Such placements are made informally by officers in the field, at their discretion, and without the benefit of departmental policies and protocols pursuant to screening potential caretakers. No official responsibility is assigned to follow up on these children and ensure their subsequent safety and well-being. In some extreme cases, children may be left completely alone to care for themselves or may be placed with inappropriate and harmful caretakers.

Beyond emergency placement issues, this report presents information on additional risks that affected children face and estimates that as many as 13 percent of all adult felony arrests in California involve a custodial parent caring for minor-age children. It also presents a framework for developing future policies and programs for this population, based on interviews with key stakeholders from law enforcement, child welfare agencies, corrections, as well as research and advocacy groups. These individuals made a number of practice-level recommendations with regard to how local communities can reduce the risks faced by children of arrested parents, including how to ensure the safety of emergency child placements, to address the emotional and developmental needs of children, to promote long-term child and family well-being, and to engage partners in an integrated strategy. Those interviewed also provide important insight regarding the potential benefits and challenges of CPS involvement in emergency placement decisions. A detailed discussion of their comments on this particular topic is included in this report.

In addition to these recommendations, there are some communities around the country that are currently undertaking practices to protect children affected by parental arrest. This document reviews five promising practices and compares the potential efficacy of each in addressing the needs of arrestees' children. The comparison reveals that all of the practices show promise in terms of improving response to affected children in California. While each employs a unique set of strategies and practices for reducing the risk faced by children, the majority make use of existing community resources in addition to law enforcement and other public agencies. Overall, they demonstrate that it is possible for local communities to work together and positively intervene in the lives of these children and families.

The final section of this document includes recommendations for state-level policy changes to improve the response of local communities to these children. The following recommendations are solely those of the author, and are not necessarily endorsed by the California Research Bureau or by any other agency.

- **Implement minimum thresholds for CPS involvement when a custodial parent has been arrested.** Available research points to specific circumstances surrounding the arrest of a custodial parent that can place children at severe risk, such as when the arrestee or caregiver 1) has a prior history of child abuse, neglect or abandonment or 2) exhibits criminal behavior known to be associated with child abuse, neglect or abandonment. This report recommends that CPS be required to respond to law enforcement requests for assistance with children in these situations.
- **Facilitate the design of local-level initiatives to inform state policymaking.** While the previous step will improve current practices, more can be done to support integrated local-level strategies that address prevention, on-going well-being, and stability and safety of caretaking environments. To this end, the state should require local law enforcement, child welfare services and community-based organizations to collaboratively develop protocols for responding to children of arrestees.
- **Vest authority for promoting and coordinating local efforts at the state level.** State-level coordination can provide important support and direction in developing a policy agenda, establishing effective strategies, identifying barriers to change, promoting research and evaluation, and improving the performance of local communities.
- **Direct the Commission on Peace Officer Standards and Training (POST) to create training materials and courses pertinent to the arrest of a custodial parent.** POST should develop materials and courses to educate law enforcement officers on their roles and responsibilities with regard to children whose custodial parent has been arrested.
- **Convene an advisory group on children of arrested parents.** Special attention to children of arrestees could be integrated into a number of existing state initiatives. A state-level advisory group could facilitate this process.

State policymakers must take heed of the unintended consequences that our growing criminal justice system has for families. This report views the arrest of a custodial parent as a significant opportunity for positive intervention in the lives of high-risk children and one where we can fundamentally reduce the risks they face, provided that government and local organizations work together. As this report details, the consequences of doing nothing can be both costly and tragic.

INTRODUCTION

On a June day in 1997, authorities in Modesto, California arrested Laura Ruth Gunter for possession of heroin and a hypodermic syringe. The 34-year-old single mother had struggled with heroin addiction for many years. Laura's children had been placed in foster care due to her addiction and drug-related crimes, though she was able to regain custody of them after completing a treatment program six months prior to this arrest. On this occasion, Laura did not inform the arresting officers that she had children, though she did authorize her neighbors Margarito and Josephine Origel to care for her two daughters while she was in jail. Laura's aunt, Shirley Ford, believes she did this to avoid having her children placed in foster care.¹

Laura was sentenced to four months in jail. Thirteen days after her release, she died of a heroin overdose. Upon learning of her death, Laura's aunt Shirley attempted to locate the children. Shirley made contact with Margarito and Josephine on many occasions, but they were unremittingly evasive about the two girls' whereabouts. After two years passed, Shirley learned that Josephine had been arrested and jailed on charges that she had abused one of Laura's daughters. The girl was removed from the Origels' home and placed in foster care. As it turns out, this was not the Origels' first allegation of child abuse and neglect. Margarito had been arrested in 1996 for willful cruelty to and inflicting injury upon a child, pursuant to an incident involving his 14-year old son. The charges were subsequently dismissed.²

Although Shirley was relieved that the girl was removed from the household, she repeatedly contacted Stanislaus County's Child Welfare Services (CWS) and Sheriff's Department in an attempt to find out what happened to her other niece, Megan Mendez. Her efforts eventually led to an investigation that resulted in the unearthing of the preschooler's body from the backyard of the Origels' home. Josephine received a life sentence for beating Megan to death, and her husband Margarito was sentenced to six years in prison for child endangerment. According to grand jury testimony, Josephine brutalized the two girls while they were in her care, at times beating them with a hammer, denying them food, and confining them to live in the bathroom.³

How could Megan's death and the abusive situation she and her sister endured have been avoided? Should Laura have been trusted to locate a temporary caregiver for her children? Was there something that law enforcement could have done differently to learn of the girls' existence? Or the courts and the jail? Could CWS have monitored the children more closely in light of both Laura and the Origels' prior history? Could community-based organizations or other institutions have intervened in a way that would have altered the course of events involving Laura, her children and the Origels?

This tragic case provokes an array of questions with regard to the many systems that may be involved when a child's parent is arrested. These systems include law enforcement, the courts, corrections, child welfare services, schools, and community-based organizations. To date, these institutions have been offered few resources and tools to find answers to these complicated questions. While none of these systems bears sole

responsibility for what happens to Megan and children like her, each has expertise and assets that can be marshaled to improve the way we respond to children and families affected by arrest.

PURPOSE OF REPORT

This report examines, from a practice and policy perspective, issues pertinent to the safety and well-being of minor children affected by the arrest of a custodial parent.* Its primary goals are to:

- present information on the risks that children of arrested parents face;
- estimate the number of children affected by the arrest of a custodial parent in California;
- review promising approaches to protecting children of arrestees;
- present a framework for developing future policies and programs aimed at reducing the risks faced by these children and their families; and
- make recommendations for ensuring the safety and well-being of this population.

This report focuses especially on families where either the sole or both custodial parents have been arrested, and there is no evidence of child abuse, neglect or abandonment. Evidence of abuse, neglect or abandonment triggers a system of mandated response by law enforcement, child welfare agencies and the courts. In situations where there is no such evidence, the responsibilities of these agencies are unclear under existing law.

This report seeks to build on recent work conducted by the California Research Bureau (CRB) examining the legal structure governing California inmates and their children, as well as current child welfare and law enforcement practices pertinent to children of arrested parents.⁴ While this report reviews many of the same issues discussed in CRB's previous publications, it provides new information with regard to how communities around the country are working to enhance the safety and well-being of this population. In addition, findings from interviews with a variety of key stakeholders are used to make detailed recommendations for how local communities and state-level policymakers can reduce the risks faced by children of arrested parents.

Finally, the author's impetus for this report grew out of a series of policy roundtables sponsored by CRB's California Family Impact Seminar (CAFIS). These roundtables provided an opportunity for practitioners and policymakers from law enforcement, the courts, child welfare services, and community-based organizations to consider important concerns about current practices, to articulate barriers to improving response, and to explore strategies regarding how the needs of these children might be better addressed. It is my hope that state-level policymakers and local communities will use this report in the development and promotion of future policy and program efforts directed at enhancing the safety and well-being of children of arrested parents.

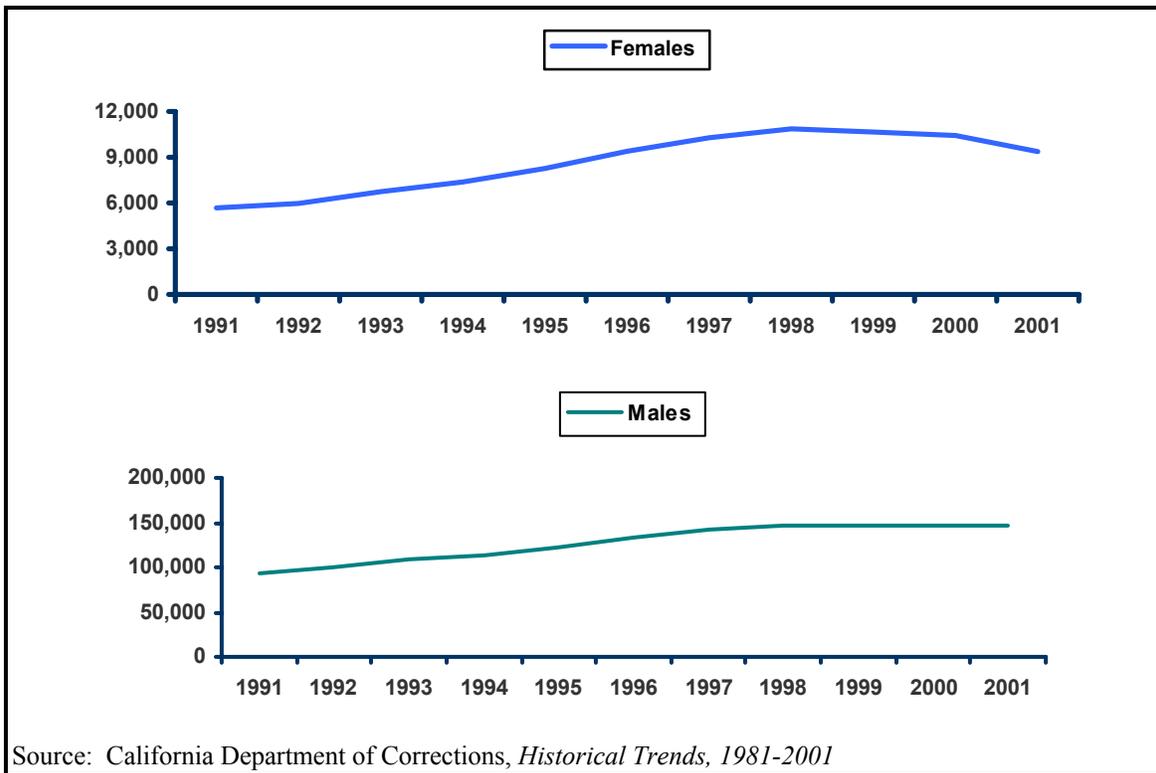
* A custodial parent is defined as a person who has primary care, custody and control of a minor child.

SCOPE OF THE PROBLEM

Throughout the past two decades, America's prison population exhibited several dramatic trends. The number of state and federal prison inmates nearly quadrupled between 1980 and 2000, growing from roughly 320,000 to 1.3 million.⁵ An estimated one out of every 20 persons in the U.S. can now expect to spend time in prison.⁶

While America's prisoner population quadrupled, California witnessed a seven-fold increase during this same time period.⁷ California has the largest prison system of all fifty states.⁸ Although females comprise a small proportion of California's prison population (seven percent), the population of female inmates increased at a faster rate than males throughout much of the 1990s (Exhibit 1).⁹

Exhibit 1
California Felon Correctional Institution Population, by Gender, 1991-2001



The staggering expansion in the number of individuals behind bars has generated a new level of concern regarding the unintended consequences that our criminal justice system may have for families. The growth in female incarceration has particular implications for children, because female inmates are much more likely than males to have minor children and to be caring for them in the month prior to their arrest.¹⁰ Taking into account jails, probation and parole, the California Research Bureau (CRB) estimates that nine percent of our state's children had a parent in the criminal justice system in 2001-2002.¹¹

Despite the implications these trends raise for state programs and policies, little information on children affected by parental arrest and incarceration is available. Few child welfare agencies collect information regarding a parent's incarceration, nor does the correctional system gather and report information regarding inmates' children.¹² Although a growing body of research is investigating the impacts that the correctional system has on families, much of this literature is characterized by small sample sizes, uses non-experimental designs, and relies on information provided primarily by parents incarcerated in state and federal prison.¹³

One thing that is clear is that multiple risk factors are present in children's lives prior to a parent's incarceration.¹⁴ Among custodial parents in California state prisons, for example, 62 percent of parents did not have a high school diploma, 42 percent had used heroin, crack or cocaine regularly at some point in their lifetime, 40 percent were not living with a spouse in the month before arrest, 20 percent received public assistance, 17 percent experienced physical or sexual abuse, ten percent spent some time in foster care while growing up, and nine percent reported an emotional or mental problem.¹⁵

The literature also documents that parental incarceration can have a number of negative consequences for children.¹⁶ Emotionally, they may experience feelings of trauma, anxiety, shame, guilt, and fear. Behaviorally, they may exhibit school-related problems, involvement in gangs, drug use, and delinquency.¹⁷ In addition, children of incarcerated parents may be at special risk of entering non-relative foster care, due to barriers parents face in complying with the requirements of the Adoption and Safe Families Act of 1997.¹⁸

UNDERSTANDING THE IMPLICATIONS OF PARENTAL ARREST

While much research has focused on the effects of parental incarceration on children, very few studies have explored the effects of the arrest itself. Nonetheless, the nature of arrest raises a distinct set of policy issues and practice concerns. Foremost among these are children's immediate physical safety, their emotional responses to the event, and their subsequent well-being.

For children who are present at the time of arrest, the event can be extremely traumatic. According to a recent Child Welfare League of America handbook,

*The child witnesses the forced removal of the parent, as well as the parents' confusion, embarrassment and shame... He or she sees the parent being disempowered, leaving the child feeling exposed and vulnerable. Thus, the child's immediate reactions may include feelings of helplessness, bitterness about the way the parent was arrested, and anger toward the arresting officers.*¹⁹

Very little data exists regarding the prevalence of children who witness a parent's arrest, though two small studies suggest this occurrence is not unusual. A survey of jailed mothers in Riverside, California, found that one in five children were present at the arrest of their mother.²⁰ Among parents incarcerated in New Mexico state prison, 32 percent of mothers and 26 percent of fathers indicated that their children witnessed their arrest.²¹

Even when children are not present at the time of arrest, sudden separation from a parent can invoke a number of complicated reactions. Younger children may not fully understand what has happened and may develop their own interpretation of events. In some cases, children may believe they themselves might be taken away or that they are the cause of their parent's departure. As one child recounted, "I remember going to my grandmother and saying to her, 'Am I a bad child? Or does my mother not love me?'"²² Older children may believe they can get through the situation on their own. According to criminal justice consultant Anna Laszlo, "While [adolescents] are clearly concerned about the parent being arrested, you have to understand that many of these kids are way more mature than their chronological age because of how they've grown up... They will often tell social workers they are fine and say they have a relative to go to, but then go back to the house."²³

Although data on the ages of children of arrested parents is not available, Exhibit 2 provides information regarding the ages of minor children whose custodial parents are incarcerated in California state prison.²⁴ Some of these children would have been even younger at the time of their parent's arrest due to the fact that inmates participating in the prison survey were asked to provide their children's current ages, rather than their ages at the time of arrest. The data reveal that one-third of inmates' children were under six years old, a finding that has significant implications pertinent to the early childhood development of these children.

Exhibit 2
Ages of California Prison Inmates' Minor Children (n=457)

Age Range	Proportion
Less than one year	2 % (25)
1 to 5	32 % (411)
6 to 9	27 % (339)
10 to 14	26 % (335)
15 to 17	12 % (157)

Source: Bureau of Justice Statistics, *1997 Survey of Inmates in State and Federal Correctional Facilities*

Beyond age, a number of additional factors affect how an individual child responds to a parent's arrest. These include a child's prior relationship with the parent, type of care received during a parent's detainment, length of the separation, and opportunities for continuing contact with a parent or other significant adults.²⁵

Ensuring Immediate Safety

Following arrest, a parent may be detained for a matter of hours or days, or subsequently sentenced to jail or prison time. Where do children go following a parent's arrest?

If there is evidence of child abuse, neglect or abandonment, police officers are mandated to report the situation to their local child welfare agency, which will follow up on the child's safety. In situations where there is no evidence of maltreatment, the

responsibilities of these agencies under existing law are unclear. As a result, a number of different events can occur.

If a child is with their parent at the time of arrest, the parent may be able to make temporary arrangements for the child's care. These care arrangements might include the child's other parent, a relative or a friend. If a parent is unable to make such arrangements, the child may be transported to police headquarters, a detention center or a children's shelter. The arresting officer may call the local child welfare agency to assist with placement or may attempt to locate a care taking arrangement without such assistance.

If a child is not present at the time of arrest, the arresting officer may or may not ask about an arrestee's children. In some cases, parents may be wary of informing officers they have children out of fear that their children will enter foster care and they will lose parental rights altogether.²⁶ If the officer is made aware of the arrestee's children, she or he may follow up to make sure they are placed with a temporary caregiver.

The question of where a child will go is particularly acute when the arrest involves either a single parent or both parents of a child. In some extreme cases, children may be left completely alone to care for themselves and possibly younger siblings. One such child explained,

I was nine when my mom got arrested. The police came and took her. I was trying to ask them what was going on and they wouldn't say, and then everything went so fast. I guess they thought someone else was in the house. They arrested her and just left us there. For two or three weeks, I took care of my one-year-old brother and myself. I knew how to change his diapers and feed him and stuff... When my mom was there, every day we used to take my little brother for a walk in the stroller. So I still did that every day, even though my mom wasn't here. Her friend across the street saw us and I guess she figured out something was wrong. She called Child Protective Services and they came and took us.²⁷

The death of Megan Mendez grimly illustrates the risk that children left behind as the result of parental arrest can wind up with an inappropriate and harmful caretaker. Children of parents with prior involvement in the child welfare system may be particularly vulnerable in this regard.

Subsequent Well-Being

Even when a suitable caregiver is located, issues concerning children's well-being continue to be at stake if a parent remains incarcerated. While this report is specifically concerned with policies affecting children at the time of arrest, it is important to have an understanding of the broader implications this event may have for children. Two critical areas in this regard include the needs of children's temporary caregivers and the on-going relationship between parents and their children.

Caregiver Needs

If the parent is incarcerated for a lengthy period of time, temporary care arranged at the time of arrest may need to become more permanent. Temporary caregivers often assume responsibility for a child in the midst of a family crisis and may not be prepared to provide long-term care. Based on a small sample of individuals caring for children of incarcerated mothers, a 1993 report summarized the range of problems that grandparent and relative caregivers of incarcerated children can face:

They must deal with the trauma suffered by children whose mothers are arrested or imprisoned. [Caregivers] must define their relationship to the children as surrogate parents, and they must help the children cope with psychological and emotional problems. They must re-examine their relationship with the incarcerated mother and sometimes must reckon with personal disappointment or anger at the mother for her conduct and the resultant burden of care that has been thrust upon them. They must make time for visits with the incarcerated mother — visits which are often stressful for all involved. They must adjust their own households to accommodate the children who are usually less than ten years old. They must raise the financial resources to house, feed, clothe and care for young children, including some with special problems and needs.²⁸

The literature on children being cared for by relatives, which includes children of incarcerated parents, indicates that most relative caregivers are females over the age of 50, who face health challenges and experience significant economic hardship.²⁹ In California, relative caregivers may be eligible for two types of financial assistance to provide for children in their care: 1) “child-only” Temporary Assistance for Needy Families (TANF) payments ranging from \$90 – \$325 per month, or 2) foster care payments ranging from \$375 – \$528.³⁰ Some argue that this payment discrepancy, as well as a discrepancy in support services associated with the two types of assistance, creates incentive for relative caregivers to become involved with the foster care system.[†] While a detailed discussion of current issues in this debate is outside the scope of this report,³¹ it is important to note that many relative caregivers do not avail themselves of either of these resources. This may be because they do not realize they are eligible, because they wish to avoid the stigma associated with receiving assistance, because they have been erroneously denied benefits, or because they do not wish to expose their family to scrutiny by public agencies.³² As a result, children of relative caregivers often go without the services they need.

This situation undermines the stability of relative care arrangements and may result in children being shifted among homes and caregivers, separated from their siblings, and placed in non-relative foster care. Such transitions can set in motion changes in financial conditions and family relationships that increase stress and conflict in the home. These disruptions can have serious consequences for children’s future behavior – one recent study found that poor children growing up in urban areas who experience multiple family

[†] In addition, some counties are eligible for additional funds to support informal kinship care arrangements via the Kinship Support Services Program.

transitions are at increased risk of future juvenile delinquency and drug use.³³ Relative caregivers who receive appropriate support services have the potential to provide children with much-needed stability. These services are especially important given that relative caregivers may be the only individuals standing between these children and non-relative foster homes.

Parent - Child Relationships

While the focus of this report is parental arrest, it must be acknowledged that long-term parental incarceration has serious consequences for families. Contact between parents and their children and services that support an inmate's re-entry into the community are also critical to child well-being.

Visiting a parent in jail may allay children's anxieties about a parent's safety and well-being. At the same time, the visits can be stressful if the visiting environment does not recognize the children's need for relaxed and comfortable contact.³⁴ One child whose mother was arrested when he was four described the importance of having physical contact visits with his mother. He observed,

I couldn't even begin to express to you in words how fulfilling that was to my soul to give my mother a hug. For her to give me a kiss. For me to sit in her lap. If I hadn't been able to do that, I would have felt very empty then, as a child, and maybe as well now.³⁵

It is worth noting that ties between inmates and their families have been linked to a number of positive outcomes, both for prisoners and for the criminal justice system. These outcomes include reduced recidivism, reduced disciplinary problems, improved mental health status and functioning both during imprisonment and after release, and the increased likelihood of family reunification.³⁶ Despite these benefits, approximately 70 percent of parents in California state prison do not receive any visits from their children.³⁷ Inmates who lived with their children in a single-parent household prior to arrest are less likely to receive visits from their children (33 percent) than those who lived in two-parent households (41 percent). The distance of the prison from a child's home, costs associated with transportation and overnight accommodations, disinclination of caregivers to facilitate visits, and parents' reluctance to have their children see them confined can all operate as prohibitive factors in this regard.³⁸

Beyond contact issues, inmates must have access to comprehensive services that address familial responsibility, emotional and physical well-being, drug addiction, housing, and life-skills training in order to overcome the issues they and their children face. The availability of such programs can also be crucial to family reunification goals. The Adoption and Safe Families Act (ASFA) of 1997, enacted with the intent of ensuring permanency for children in the child welfare system, sets out requirements and associated timelines that parents must meet in order to avoid having their parental rights terminated. These frequently include regular contact with children and completion of programs and services such as drug treatment and parenting education classes. Although research pertinent to ASFA's impact on prisoners is in its infancy, inmates in correctional settings

typically have very little control over contact with children and participation in required programs.³⁹ As a result, children of incarcerated parents may be at special risk of entering non-relative foster care.

Estimates of the overlap between the foster care and correctional system reveal a strong relationship between these two systems. Nationally, it is estimated that seven percent of children living in non-relative foster care have a parent currently incarcerated in state and federal prison.⁴⁰ A recent analysis of data from Oregon's child welfare and adult correctional system suggests that the overlap is even greater when current and prior involvement with the prison system is taken into account. According to this data, 41 percent of children in the Oregon's foster care system have had a caretaker that is currently or was once involved with the state correctional system.⁴¹

THE MAGNITUDE OF THE PROBLEM

As this discussion illustrates, parental arrest has serious implications for children, particularly when an arrest involves a custodial parent. But how large of a problem is this? Do we know how many arrests involve custodial parents caring for minor-age children? Quantifying this problem is made difficult by the fact that law enforcement agencies do not collect information regarding the composition of arrestees' households. Nevertheless, it is possible to obtain a rough sense of the problem by combining data from a 1997 survey of inmates in correctional facilities and 2001 California adult felony arrest data maintained by the Center for Criminal Justice Statistics to estimate the annual number of arrests involving single parents of minor children.[‡]

According to California prison data, 10.3 percent of male prisoners and 22.8 percent of female prisoners were single parents living with their minor children in the month before arrest.⁴² This data indicates that as many as one in five female felony arrests and one in ten male felony arrests involve a single parent. In 2001, there were 326,597 male and 82,087 female adult felony arrests in California.⁴³ Based on these figures, an estimated 52,300 arrests involved single parents of minor children, or 13 percent of all 2001 adult felony arrests in California.[§]

There are several limitations associated with using the prison population as a proxy for the arrestee population. According to information available in both data sources, these populations differ in terms of offense, age distribution and ethnicity. For example, relative to state prison inmates, the arrestee population is comprised of more whites, more young people and fewer violent offenders.^{**} These populations may also differ in significant ways that are not accounted for in existing data, such as marriage rates, fertility, and criminal justice outcomes. In addition, one must be particularly cautious in interpreting the data regarding fathers. A far larger proportion of male prisoners identify themselves as single parents raising their minor children than the population at large.⁴⁴

‡ Parents were classified as "single" if they did not report a spouse present in the household.

§ Please refer to Appendix C for county-level estimates based on this methodology.

** While it is possible to account for known differences between the two populations, adjusting for these variables would suggest a level of precision about the estimate that may not be meaningful in actuality.

Research regarding family networks of male prisoners reveals that their living arrangements can be quite complex. One study found that the majority of incarcerated fathers have never been married to the mother(s) of their children; and among those who have been married, these relationships often terminate during incarceration. As the author of this study observed, “The picture of a married man with one set of biological children does not describe the family structure of these men.”⁴⁵

While it is not possible to account for these complex living arrangements using the available federal data, a majority of the men incarcerated in California state prison that lived with their children prior to arrest report that these children are currently being cared for by their mothers (77 percent).⁴⁶ In comparison, a majority of female single-parent prisoners reported that a relative (76 percent) is currently caring for their children rather than the children’s fathers (29 percent). This suggests that locating temporary caretaking arrangements may be more complicated for arrested mothers than fathers.

Aside from these limitations, this methodology may underestimate the number of arrests involving single parents of minor children in a single year, because it does not account for arrests involving juveniles or adult misdemeanor arrests. Nor does it account for arrests involving both parents of minor children.^{††} It is also not possible to project the proportion of California’s minor children that have been affected by the arrest of a parent overall because there is no data on the prevalence of repeat parental arrests over time. Despite these limitations, the prison population is the closest proxy to the arrestee population for which there is relevant data, and offers the only avenue for obtaining a rough estimate of how many children are affected by the arrest of a custodial parent in a single year.

CURRENT LAWS AND PRACTICE

The number of arrests involving single parents caring for minors in California appears substantial. In light of the risks parental arrest raises for children, are current state policies and existing local practices sufficient to ensure their safety and well-being? This section summarizes findings of two recent reports issued by the California Research Bureau (CRB), which shed important light on this question.

In Danger of Falling through the Cracks: Children of Arrested Parents investigates local law enforcement and child protective services (CPS) procedures and policies relative to the disposition of children of arrested parents in California. Findings of this report include the following:⁴⁷

- Two-thirds of surveyed law enforcement agencies do not have a written policy to guide officers in situations where a minor child’s custodial parent is arrested.
- The majority of law enforcement agencies report that they do not inquire about children who may be left unattended at the time of arrest. Additionally, less than half report they inquire 1) when children are present at arrest (42 percent), 2) when

^{††} The author was unable to locate any data on the prevalence of this phenomenon.

an arrestee volunteers information about children (39 percent), and 3) when there is evidence of a child at the scene such as a car seat or toys (12 percent).

- Surveys of and interviews with law enforcement officers indicate that a significant number of child placements are made informally by officers in the field, at their discretion, and without the benefit of departmental policies and protocols.
- Nearly half of surveyed child welfare agencies lack written policies regarding staff response to law enforcement requests for assistance with minor children at the time of arrest. Nor do they have guidelines or consistent policies governing placement of children of arrestees.

California Law and the Children of Prisoners examines state law pertaining to children of arrested and incarcerated parents. Overall, this report finds that the state's criminal and civil justice institutions do not provide clear statutory guidance regarding the roles and responsibilities of law enforcement and CPS when a child's parent is arrested.⁴⁸ Additional findings include the following:

- California law does not require arresting officers to ask whether an arrestee is a custodial parent or to report when a child is at risk of being left without care or supervision.
- Mandated reporting mechanisms apply only after abuse, neglect or abandonment has occurred. Consequently, there is no clear mechanism for either law enforcement or CPS to ensure the safety and placement of children whose parents have been arrested when such evidence is not present.
- Law enforcement officers are not liable if harm comes to a child. They are generally immune from liability for failure to enforce a law, for failure to arrest and for discretionary acts generally.
- No official responsibility is assigned to assist an arrested parent 1) in making arrangements for a child's care, 2) in investigating the appropriateness of informal caregiver arrangements, or 3) in arranging transportation of a child to a caregiver's residence.

Taken together, these two reports strongly indicate that current policies and practices in the state of California are insufficient to ensure the safety and well-being of children affected by parental arrest in situations where there is no evidence of child abuse, neglect or abandonment. One of the major tensions in resolving this gap revolves around what role county child welfare agencies should play in these instances. The following section examines current perspectives on this issue.

THE POTENTIAL ROLE OF CHILD WELFARE SERVICES

California's public child welfare system, which is overseen by the state's Children and Family Services Division within the Department of Social Services, is designed to protect children who have been abused or neglected or who are at risk of abuse and neglect. When local county child welfare agencies, often referred to as Child Protective Services (CPS), receive a report of suspected child abuse or neglect, a social worker screens the situation to determine if an investigation is warranted. If a child "appears to be at imminent or substantial risk of abuse or neglect due to circumstances such as sexual abuse, physical or mental injury, or an absent caretaker, state law requires county child welfare agencies to provide an immediate and in-person response within two hours."⁴⁹ If there seems to be evidence of abuse or neglect, but the child is not in imminent danger, an in-person investigation must be completed within ten days.

An investigation can result in several different outcomes. A case may be closed if there is no or insufficient evidence of child maltreatment. If a parent does not pose an immediate or high risk of maltreating the child or there is inconclusive evidence to substantiate abuse, a child can remain at home while the parent receives voluntary or court-ordered family maintenance services.^{‡‡} If a child cannot remain at home safely, she or he may be removed from the home and placed in a temporary shelter or emergency foster care. In these cases, parents receive time-limited family reunification support services and must comply with specific requirements in order to be reunited with their children. If these requirements are not met, parental rights can be terminated and children permanently placed with an adopted family, with a legal guardian or in long-term foster care.

While it would seem that an arrested parent would qualify for CPS intervention as an "absent caretaker," a recent report reveals that the application of existing law is awkward in this situation:⁵⁰

If a child is left unattended, WIC §305 requires a police officer to attempt to contact a parent or guardian. The statute charges the officer with notifying the county welfare department only if the child fits within the situations described in WIC §300, is in immediate danger and the parent or guardian cannot be contacted. This statutory construction does not address the situation of parental arrest, because the parent is present and can be contacted. However, the officer could find that the child falls under WIC §300 and needs care and supervision, and still not do anything since the officer is not required by the statute to take the child into custody.

Furthermore, the availability of a caretaker suggested by an arrested parent can obviate a police officer's determination that a child is in immediate danger, despite the fact that little is known about this person's background or history with children.

^{‡‡} Family maintenance services are time-limited social services aimed at preventing or correcting neglect and abuse.

To better understand current opinions regarding the potential role of county child welfare agencies with regard to minor children affected by parental arrest, the author of this report conducted exploratory interviews with over 25 representatives of key stakeholder groups, including law enforcement, child welfare, nonprofits, researchers, and advocacy groups.^{§§} These interviews provided important information about the perceived benefits and challenges of child welfare involvement in placement decisions when a child's custodial parent is arrested.

While there were divergent views regarding the legality, appropriateness, and efficacy of a child welfare role among those interviewed, the majority agreed that law enforcement should be provided with resources in the field to assist with emergency placement decisions. As one interview participant observed, "Law enforcement needs tools so they can do their job and leave these children to people who are more appropriate for handling them." A representative from law enforcement agreed, and expressed concern regarding the risks of informal placements currently facilitated by officers in the field:

Let's say I go into a clean house and arrest someone on a warrant and there's no indication of abuse. I still should not have the authority to call an aunt or uncle at the request of the arrestee because we don't know without having a background in [assessment and screening], whether that person is appropriate... There should be a rap sheet check for criminal history. You should go to the home and make sure it's appropriate. You should do a history check of [CPS]. Those are the things that aren't being done.

Another officer expressed frustration with current practices in the field, observing that,

What happened to Megan [being left with dubious caretakers] is so much more common than people know. I think that's why there has to be legislation where cops can't do that. There's just no checks and balances on this and CPS, although they won't admit it, will say, "Can't you leave them with a neighbor or someone else so we don't have to come out?" It happens all the time and it's a bad, bad practice... Most cops do not like to and will not take kids into protective custody. It takes time, puts pressure on you from your agency, creates tons of paperwork, and CPS isn't happy because they have other cases. There are all kinds of pressures [for law enforcement] to not take the kids.

Furthermore, some interview participants observed that the current lack of clarity around the legal role of child welfare in placement situations outside of abuse, neglect, and abandonment creates barriers for local communities who are attempting to improve responses to such children. One child welfare worker explained,

Everybody interprets the law differently. We are currently developing a uniform training curriculum for law enforcement and child welfare and we cannot tell law enforcement to [run a criminal background check or call child welfare for consultation about the

^{§§} For a list of individuals interviewed as part of this study, please refer to Appendix B. In order to obtain candid feedback from interview participants, quotes included in this section are not attributed to specific individuals.

caregiver] because it is not official legal policy. The question becomes so gray when we can't give law enforcement legal guidance. They want to know about their liabilities.

On the other hand, some interview participants commented that child welfare should not be required to assist law enforcement with placement. These interview participants raised concerns about what they viewed as the punitive nature of the system. One interview participant observed, "Because of the litigious environment we are in, [child welfare] scrutiny often comes down to removing the child because of liability issues. I believe that would happen very rapidly in this population." Another agreed, and added that parents who have prior history with the child welfare system might be wary of interacting with workers in situations of arrest. She stated, "It's not that CPS couldn't take a more active role, but my experience has been that they are very negative toward the parents. When [parents] have experienced that before, it's hard to trust them." Some of these individuals felt that community-based agencies, (i.e., nonprofits with expertise in providing services to inmate parents, their children and relative caregivers) could play a leading role in supporting children and families affected by parental arrest without the involvement of local child welfare agencies.

In contrast, proponents of child welfare involvement in placement decisions discussed a number of potential benefits to such an approach. These individuals argued that children would not be drawn into the dependency system unless the situation warranted such a response. One child welfare worker observed, "We don't always necessarily open a case for dependency. We just go out, investigate, assess, and close the referral. It's those situations where the parents blatantly put the kids at risk. That's when we go to court." Another participant agreed, adding that,

Child welfare services represent the nation's safety net for kids. That's why we created [CPS] and that's their function and I can't think of a more important time to have a safety net than when the parents are whisked away and taken into limbo. This is not to say they should be put in foster care. This is a time where good judgments are needed about what should happen to that child. It does not mean a full-blown home study.

Some advocates of child welfare involvement in child placement decisions believed that community-based organizations could play an important role in serving the needs of affected families, in terms of addressing caregiver needs, children's psychosocial issues and parent-child contact. However, they generally thought child welfare services had important advantages pertinent to determining emergency placement. One interview participant explained, "There are tools at child welfare's disposal to help them make immediate decisions." These tools include the ability to verify that potential caregivers have not victimized children in the past and workers trained in assessing the suitability of caregivers and their home environments. Another potential advantage of child welfare involvement suggested by one participant is that county agencies already have existing relationships with law enforcement due to the fact that police are mandated reporters of abuse and neglect.

Some interview participants felt that without child welfare involvement, it would be impossible to provide consistent protection to this particular group of children. One interview participant commented, “If we’re not going to utilize the existing [child welfare] system, aren’t we fooling ourselves? If you don’t involve them, I think some children will get lost.” A member of law enforcement agreed, stating,

Any time an officer arrests a parent, if there are kids in the home or evidence of kids, CPS should be mandated to respond within a certain amount of hours... The onus has to be on somebody. As it stands, officers aren’t required to be responsible and neither is CPS. Until that’s resolved, you will have 101 excuses to work around dealing with these kids.

Finally, a child welfare representative commented that since the availability of community-based organizations with the resources and expertise to be involved in placement varies throughout California counties, it would be difficult to ensure comprehensive service coverage across the state without CPS involvement.

Despite the advantages these interview participants raised, many of these same individuals also raised concerns regarding the financial impact of child welfare involvement with these children. Despite this, they still felt that the government had an obligation to ensure that these children are safe. As one participant explained, “It’s a difficult issue because people say CPS can barely handle its caseload now and here you’ve got a grandma who’s willing to take these children. However, Grandma could be abusing that child.”***

Finally, although a couple of individuals argued that parents’ placement decisions should not be subject to public scrutiny, the majority reasoned that individual child safety outweighed potential civil liberty issues, particularly when the arrest involved a serious offense. As one individual commented, “To me, this is like, ‘Should we have protocols for police officers to make sure we’re not putting children with child abusers?’ This just seems so elementary to me, and we know it’s important because a girl was killed.” Nonetheless, these individuals also commented that potential caregivers should not be held to excessive standards of scrutiny. As one individual explained, “If [the proposed caretaker] was arrested for dealing cocaine in the 1990s but then went through drug rehab and hasn’t been in the system for over ten years, should you put the kid in foster care? No.”

*** In fact, a recent New Jersey case illustrates the importance of screening and assessing relative caretakers. According to an article that appeared in the *New York Times* on January 9th, 2003, a woman jailed on child endangerment charges left her seven-year old twin sons and their four-year old brother in the care of her cousin. Ten months later, two of the emaciated brothers were found living in a locked and unlit cellar of the cousin’s home. One day later, police located the body of the third brother, which was stuffed in a plastic storage bin located off the cellar. He had been dead for over a month. The brothers had been subjected to severe physical abuse that included regular beatings and burnings with cigarettes and hot liquids.

PRACTICE COMPONENTS OF AN IMPROVED RESPONSE

What can communities do to provide assistance to children of arrested parents and their families? In addition to gathering perspectives on the potential role of local child welfare agencies in this regard, interview participants were also asked to provide general recommendations for practice-level components of an improved response. Their recommendations have important implications for state-level policy, as discussed in the final section of this report.

Many of the suggestions made by interview participants mirror findings from the literature, which are also integrated into these components. As discussed previously, opinions on the appropriate public and private mechanisms to achieve some of these practice elements differed among those interviewed. However, there was general consensus on the importance of the following components in assisting children affected by the arrest of a custodial parent.

1. RECOGNIZE THAT PARENTAL ARREST RAISES IMMEDIATE AND LONG-TERM RISKS FOR CHILDREN AND REQUIRES SPECIAL SERVICES.

Interview participants agreed that parental arrest represents a prime opportunity for mobilizing resources to address behavior that affects subsequent family well-being. One child welfare representative explained, “The fact is, we need to look at the arrest as an opportunity to intervene and encourage change on the part of the parents. Good social work will tell you that change occurs in crisis.” While not every arrest involving a parent necessitates intervention, participants agreed that the arrest is frequently a symptom of more complex problems in the home with serious consequences for children, such as substance abuse, domestic violence, or heretofore unrecognized abuse and neglect. One individual explained,

If there’s an arrest, there’s a reason for the arrest. It really needs to be thoroughly evaluated in my mind. What type of arrest is it? What’s the house look like? What are the impacts on the kids? It’s such a missed opportunity when a placement occurs without consideration of a child’s needs.

Participants also pointed out that beyond the risks borne by children, disregarding arrest as an opportunity to address family issues can result in costs for the public at large, such as those associated with criminal behavior, poor school outcomes, substance abuse, and foster care.

Many interview participants commented on the unique role that law enforcement can play with regard to identifying children who may be at risk. One interview participant working with law enforcement around children and violence issues explained,

Law enforcement are the first responders. Of any community agency, they see the most kids. They need to be part of the intervention system over and above locking people up and taking evidence and putting together a case. We want them to

come to the table with local service providers and see themselves as part of the intervention.

Recent efforts around domestic violence, community-oriented policing and children exposed to violence all recognize the importance of proactive police-community partnerships to address family and community issues. Efforts to protect children of arrested parents necessitate this same recognition.

2. TAKE STEPS TO ENSURE THAT CHILDREN ARE SAFE WHEN A PARENT IS DETAINED.

Children left alone or in situations such as that experienced by Megan Mendez and her sister are clearly unacceptable. The majority of interview participants agreed that local communities should have written protocols to follow when a custodial parent is arrested to ensure that children are not left in unsafe situations. They offered a number of practical recommendations with regard to designing these protocols.

With regard to identifying children at risk of being left without care and supervision, participants recommended that officers attempt to determine the following information and include it in a confidential portion of the police report:

- how many children live in a household,
- their ages,
- their current locations,
- whether another custodial parent is available,
- who might be available to locate the children and explain what has happened, and
- the disposition of children following arrest.

If a child is present at arrest and the situation requires a formal CPS response, participants agreed that there must be systems in place to facilitate rapid response to law enforcement requests for assistance. They also noted that deficient coordination may create a disincentive for law enforcement to involve CPS. Individuals who were interviewed repeatedly described problematic interactions between these two agencies. One law enforcement officer explained, “Right now, there’s this game-playing, where CPS is like, ‘If you want us to come out, we’re going to make you wait for us.’” As a result, he believes that officers sometimes avoid calling CPS in situations where their involvement is warranted under existing law.

If the situation does not warrant a formal CPS response under existing law, the majority of interview participants agreed that communities should have minimum standards and timelines for verifying a child’s subsequent safety. Participants suggested a number of items that should be considered to determine the appropriateness of emergency placement. These included the nature of the crime, the individual police officers’ knowledge of a particular family, whether a child has had prior involvement with the

child welfare system, a potential caregivers' criminal and CPS background,^{†††} a potential caregiver's relationship to the child and ability to meet medical and school needs, and the availability of community resources to assist the child and the caregiver. With regard to criminal background checks, participants agreed there should be established criteria for judging what type of offenses might disqualify a designated caregiver that take into account the length of time passed since such offenses occurred.

3. ADDRESS THE DEVELOPMENTAL AND EMOTIONAL NEEDS OF CHILDREN AFFECTED BY PARENTAL ARREST.

Interview participants agreed that local communities should consider implementing child-sensitive arrest practices to minimize the potential impact of a parent's arrest on children's emotional and developmental well-being. Suggestions in this regard included explaining the situation to the child in an age-appropriate manner, allowing the arrested parent to comfort the child if the situation permits, and providing the child with immediate crisis counseling and follow-up mental health services. Many also felt that law enforcement education and training on child development and the potential trauma of arrest would be beneficial in this regard.

A number of individuals suggested having a neutral individual attend to children whose parents are arrested either at the scene or when children first learn of the incident. This individual could be a close relative, a family friend or an independent specially trained child advocate. As a member of law enforcement explained, "We should not be the people to tell the kid, 'I'm taking your parent to jail.' The cop just shouldn't be trying to fix that situation for that child. Some neutral party needs to be there, or perhaps a special law enforcement person in civilian clothes with a car full of toys and stuffed animals."

A number of interview participants noted the importance of facilitating positive contact between parents and their children shortly after the arrest has taken place so as to address children's concerns regarding the safety and well-being of parents. As one nonprofit service provider explained, "They're very worried. For example, when you go to state prison your clothes are sent home. So, a lot of children are afraid their parents don't have clothes to wear. They want to know if they're fed, or if they're locked up how they go to the bathroom. They are very literal and so have concerns most people don't think about."

Research indicates that beneficial inmate and family ties can play a role in reducing recidivism, reducing disciplinary problems, improving inmates' mental health and increasing the probability of family reunification. Local communities can set the course for this relationship during the initial period following parental arrest, by addressing transportation issues, jail and prison visitation environments, and the quality of contact between parents and their children.

^{†††} It is worth noting that child welfare workers who serve as members of multi-disciplinary teams engaged in the prevention, identification and treatment of child abuse are currently eligible to share confidential information pertinent to the appropriateness of a placement in certain circumstances. (California Welfare and Institutions Code 830 and 18951)

4. PROVIDE FOLLOW-UP SERVICES TO PROMOTE LONG-TERM CHILD WELL-BEING

Beyond addressing the immediate needs of children affected by parental arrest, interview participants made a number of recommendations pursuant to children's long-term well-being.

Unstable care arrangements can exacerbate the distress experienced by children of arrested parents and affect subsequent behavior. Consequently, participants agreed that assisting caregivers is critical to providing children with stability and support. They suggested a number of services to which caregivers should have access, including income supports and medical care, respite care, legal services pursuant to their guardianship roles, child care, parenting classes and faith- or community-based support groups. In their view, these services can help reduce risks associated with unstable care arrangements by building the resiliency of children's caretaking environments.

Interview participants also discussed the importance of providing supportive services to detained parents in order to help them overcome the issues they and their families face. Their recommendations in this regard included access to substance abuse treatment, parenting education, provision of information on how their involvement in the criminal justice system may affect parental rights and child well-being, housing assistance, and life-skills training. Participants also noted the importance of providing such services, both during detainment and after a parent's release.

5. ENGAGE LOCAL-LEVEL PARTNERS IN AN INTEGRATED STRATEGY

Parental arrest raises many complex issues and it is unlikely that a single agency or organization can attend to all of them. Participants agreed that improving response to affected children requires the participation of a broad group of individuals and organizations at the local level. Law enforcement, corrections, child welfare services, the courts, schools and community-based organizations are all critical partners in this regard, yet they do not necessarily see themselves as having the same goals. As one law enforcement representative explained,

Law enforcement knows law enforcement and criminal justice knows criminal justice and they don't necessarily see child welfare or social services or the prosecutors' office, or none of them see each other as trying to achieve the same goals. They're all running their own programs. You need to have the programs talking to each other and seeing themselves as having the same goals.

Interview participants suggested that local partners develop clearly-defined protocols, roles and responsibilities supported by interagency agreements and memoranda of understanding as well as on-going training and capacity-building to promote the institutionalization of local initiatives. One interview participant observed, "It's got to be an organizational commitment and then it's got to become part of their infrastructure. It has to be formalized and then it becomes part of routine procedure."

Interview participants noted that each community has unique resources and needs that have implications for how an integrated strategy is developed, implemented and sustained. This may be particularly true in California, where counties can differ in terms of crime patterns, available community resources and the prevalence of parental arrest. The creation of local task forces to engage relevant partners in a shared strategy, to ascertain the needs of children and families affected by parental arrest, and to identify available services to address these needs can help bring the recommendations discussed here to fruition. In order to provide a more detailed sense of what local communities can do to improve response, the following section describes strategies currently being undertaken that address these children and their families.

PROMISING PRACTICES

A 1994 study conducted by the American Bar Association found that law enforcement officers around the country typically rely on arrestees to volunteer information about children and to suggest a potential caregiver, and that placements frequently take place without formal screening or documentation.⁵¹ In the course of attempting to identify current strategies that address the immediate safety and well-being of children of arrested parents, the author of this report conducted a review of literature on this subject and spoke with numerous individuals around the country from law enforcement, child welfare, academia, and advocacy organizations. Although this review was not exhaustive, the practices described in the 1994 report still appear to be the norm.

Nevertheless, some communities currently undertaking promising practices were identified. It is important to preface the following descriptions of these practices by noting that none of the strategies highlighted here were developed with the explicit objective of ensuring the safety and well-being of arrestees' children. Despite this, each one recognizes the importance of arrest as an opportunity for intervention with high-risk children, and each involves various partners to engage and serve children and families. As such, they all serve as promising models for improving current practices in California. A comparative analysis of these strategies follows the program descriptions.

FAMILY MATTERS – LITTLE ROCK, AR

Family Matters is operated by the Centers for Youth and Families, a nonprofit that has been active in supporting incarcerated mothers and their children since the early 1990s. The goal of Family Matters is to prevent intergenerational incarceration by improving parent-child relationships and to reduce the trauma in children's lives by providing comprehensive support and therapeutic services. Family Matters provides an array of services in collaboration with other community-based agencies. Primary components of this strategy include working with law enforcement, providing services for caregivers, facilitating family relationships, and promoting grassroots lobbying efforts.

Collaboration with Law Enforcement. According to Director Dee Ann Newell, law enforcement officers are required by law to contact Children and Family Services (CFS) when a minor's parent is arrested.⁵² CFS may place a 72-hour temporary hold on children to determine placement. However, due to its large caseload, CFS staff is not always able to respond in a timely manner and officers frequently place children with a relative caregiver without conducting comprehensive screening. While Newell reports that this protocol cannot be altered, Family Matters is working with law enforcement to improve their response to these families. The organization provides a one-day curriculum for officers in training at the Little Rock Police Academy regarding the potential impact of parental arrest on child development and how to minimize child trauma. As part of this training, officers receive a list of community resources available to assist children and caregivers affected by parental incarceration.

Caregiver Services. Family Matters provides comprehensive support to caregivers of children affected by parental incarceration. They operate caregiver support groups as

well as parenting classes that address topics such as budgeting, stress, and time management. Family Matters also coordinates respite time for caregivers and makes referrals for TANF, Medicaid, and mental health services. Family Matters is currently developing an outreach program for caregivers whereby officers will give teddy bears to children at the time of parental arrest. In addition to providing officers with a way of positively interacting with children, the teddy bears also operate as an outreach tool to caregivers. Each bear wears a necklace that contains information on how to contact mothers in jail and how to reach Family Matters for support services.

Facilitating Family Relationships. Family Matters provides a number of services aimed at facilitating positive relationships between incarcerated mothers, their children and caregivers. Mothers participate in correctional-based parenting classes and literacy programs. Family Matters coordinates a six-hour family visitation program that includes activities such as arts and crafts, dancing and reading. Family Matters has also done work to educate correctional officers regarding developmental aspects of visitation. Finally, Family Matters provides clinical mental health services to children and a post-release parenting program for mothers.

Grass-Roots Lobbying Efforts. Family Matters also promotes grass roots lobbying efforts on behalf of children, their incarcerated parents and caregivers. Caregivers participating in Family Matters are currently organizing around passage of a guardian subsidy law in the state legislature. Family Matters has also been an integral player in a legislative initiative called “One Percent to Prevent”, whereby one percent of the Department of Corrections budget would be set aside for community providers serving children of prisoners and their families.

The Family Matters program receives funding from the National Institute of Corrections and technical assistance from the Child Welfare League of America’s (CWLA) Federal Resource Center for Children of Prisoners. The program was selected as a demonstration site to examine effective program strategies and practices and is participating in an evaluation coordinated by CWLA and the National Council on Crime and Delinquency.

POLICE ACTION COUNSELING TEAM – RIVERSIDE COUNTY, CA

The Police Action Counseling Team (PACT) provides free crisis intervention services to children and families within Riverside County, California. This initiative was started by Dr. Sue Tonkins, a licensed psychologist, in collaboration with the Palm Desert Sheriff’s Department. Dr. Tonkins views the arrest and the period immediately following as a critical point for intervention with children.⁵³ PACT collaborates with law enforcement to provide mental health services and referrals to children affected by trauma.

Collaboration with Law Enforcement. Sheriff’s Department Deputies team together with specialized mental health professionals to respond to 911 emergency calls where children have been exposed to a traumatic event, including the arrest of a parent. The mental health professionals are doctoral or masters level therapists who have expertise in evaluating and treating children and families in times of crisis. These professionals participate in ten-hour ride-along shifts with police officers at peak hours and are on call

to respond to the scene of any arrest. PACT also incorporates jurisdiction-based team training with law enforcement and mental health therapists on how to best assist the communities' children and families. According to Captain Dan Miller, "PACT has been a major positive force for our Police Department. It has raised the officers' level of awareness in handling child and family cases. Now, we not only offer physical safety to the citizens, but emotional safety to the children and families of Palm Desert."

Mental Health Services and Referrals. In addition to working with children and families at the scene of arrest, PACT also conducts follow-up home visits to provide mental health services and referrals for community counseling centers, shelters, medical care, and children's grieving programs. According to Dr. Tonkins, "We assess the child immediately, determine what's going on and what the best course of action for that child is. It may be CPS, but they have a very specific role. They provide placement, not therapeutic intervention." The clinical program staff members are also mandated child abuse and neglect reporters. Dr. Tonkins reports, "In some ways we are the eyes and ears for CPS."

PACT is currently in the process of being implemented throughout Riverside County, with funding support from the county and the California Department of Corrections.

CHILD DEVELOPMENT COMMUNITY POLICING PROGRAM –NEW HAVEN, CT

The goal of the Child Development Community Policing (CD-DP) program is "to heal the wounds that chronic exposure to violence inflicts on children and their families." Established in 1991, CD-DP is a collaboration among the Yale University School of Medicine Child Study Center (YCSC), the City of New Haven, the New Haven Department of Police Service, school-based mental health professionals, and local community agencies. The CD-DP program model consists of several interrelated educational and clinical components.

Education and Training for Police Officers. New police officers have the opportunity to complete a ten-week seminar on child development and community policing. The seminar was developed in concert by police officers and faculty of the YCSC to provide officers with knowledge of mental health issues and a sense of personal empowerment to intervene positively with children and families. Police supervisors are eligible to participate in a Clinical Fellowship Program, whereby they spend four to six hours per week over the course of three months in the YCSC. With the guidance of a mentor from the clinical faculty, police Fellows are introduced to child development concepts, patterns of psychological disturbance, methods of clinical intervention, and settings for treatment and care. According to Assistant Chief Francisco Ortiz, this education has had a tremendous impact on law enforcement practices around children.⁵⁴ He explains,

When we come into contact with children, regardless of the nature of the event, our first and foremost concern is to ensure their safety and well-being. We try to make sure that we locate the people who are responsible for the care and provision of that child. That is a high priority. If we're arresting a parent, we

are going to take into great consideration, one, “Do they have children?” and two, “If they’re not there, where are they?”

Collaboration with CPS around Emergency Placement and Screening. Law enforcement officers have mandated protocols and strong working relationships with CPS around screening of potential caregivers and emergency placement. Although law enforcement is frequently responsible for placing children, they work closely with CPS to make sure that the placement is safe. Ortiz explained,

God forbid, if we are going to give a child to somebody, we will go to the four corners of the earth to make sure that that child is safe. We have guidelines about when you come into contact with children. We build protocols to support that. There’s a minimum number of hours you can spend time with a kid. You have to make inroads pretty quickly in terms of trying to track down responsible adults to care for them... It’s police malpractice to hand the child off to whoever comes to the door. We’re required to tell [CPS] a great deal of info when we come into contact with children. We tell them we want to make a placement and they will check their records and we will check ours.

Consultation between Police Officers and Mental Health Professionals. The Consultation Service allows police to make referrals and to have clinicians respond to police officers’ immediate needs for guidance, particularly in cases involving child trauma. Child clinicians are on call 24 hours a day to discuss children and youth with officers. Consultation may lead to use of child psychiatric emergency services, referral to CPS, an appointment with a community-based organization that provides needed services, or engagement with mental health teams within a child’s school. In urgent situations, it can also lead to a direct clinical response to children and youth at the YCSC, the police station or in their homes.

CD-DP is being replicated in 12 sites across the country, including cities in Maryland, Connecticut, North Carolina, Massachusetts, and Washington with funding support from the US Department of Justice Office of Juvenile Justice and Delinquency Prevention. Ortiz notes that CD-DP has demonstrated positive outcomes in reducing crime arrests. He observed,

We have shown a lot of progress and we wouldn’t still be doing this if we hadn’t been able to show healthier communities and less dependence on the police department. We can spend time as officers protecting children. We can be part of that landscape of helping develop kids and not putting them in the system and hoping that the system can rehabilitate them.

DRUG ENDANGERED CHILDREN PROGRAM – BUTTE COUNTY, CA

The Drug-Endangered Children (DEC) program is a coordinated effort aimed at ensuring the safety and well-being of children whose parents are involved in drug manufacturing, sales and possession of drugs. The program’s goals are to rescue children from unsafe

environments, improve the safety and health of drug- or chemically-exposed children,^{***} improve community response to children, and establish a consistent response from law enforcement and social services. The program was started in 1993 by Detective Sue Webber-Brown out of her concern for children present at drug arrests.⁵⁵ She explains,

Probably 70 to 80 percent of the homes [the Narcotics Unit] went into had kids and the first thing the officer would say to the arrestee is, "Hey, we're going to be here for awhile. Is there anyone who can come pick up the children?" [The arrested parent] would call someone. This was done because the rapport with Children's Services was not good and they were slow to respond. You're out there on overtime and you don't want to wait for the social worker to show up. A lot of times the social worker would hand the kids off to a friend or relative anyways. I immediately was appalled at what we were doing... There's needles and chemicals and we're just handing the kids off. We're not taking them to a medical facility. We don't know if they've been victimized in other ways or if the relative has a sex offense.

The DEC model is a multiple-partner collaboration involving the county Interagency Narcotics Task Force, Child Protective Services (CPS), local hospitals and the District Attorney's Office.

Law Enforcement and CPS. When law enforcement members of the DEC Response Team encounter children at a scene involving "drugs, hazardous conditions, negative living conditions, or the arrest of a child's parent," a social worker responds to the site immediately. In cases of parental arrest, CPS assesses children's health and well-being and determines appropriate placement. Detective Brown reports that the majority of children found in drug cases are placed with relatives or foster care families. The social worker continues to follow the child and make necessary medical and therapeutic referrals. Information on children present and their disposition is included on a report completed by the arresting officers and the social worker.

CPS and Local Hospitals. In cases where hazardous and unfit conditions exist, the social worker transports children to a local hospital for a medical assessment. Hospital staff has guidelines for examining children who have been exposed to harmful chemicals and identifying long-term needs.

Engagement with the District Attorney's Office. The District Attorney prosecutes cases where children are endangered by exposure to drug labs or subjected to neglect and abuse. Law enforcement and CPS have clear standards with regard to what constitutes child endangerment, neglect or abuse in the local court system.

In 1997, the Governor's Office of Criminal Justice and Planning (OCJP) initiated a grant program to help other California counties establish DEC programs modeled after that of Butte County.⁵⁶ Utah and Colorado have also followed suit, implementing their own DEC efforts.

^{***} Important targets of this program are home-based methamphetamine producers, as toxic chemicals used in this process pose serious developmental and health risks for children residing in such homes.

THE CHILDREN'S SHELTER – SAN ANTONIO, TX

Founded in 1901, the Children's Shelter of San Antonio is the oldest and largest emergency shelter for children in the state of Texas. The mission of the shelter is to "effect positive change in the lives of children through advocacy and quality services focused on protection, intervention and prevention." The Shelter provides 24-hour emergency placement services and temporary group care for children from birth to age 12. Law enforcement, the Children's Shelter and CPS all have agreed-upon procedures and policies surrounding children affected by parental arrest.

Emergency Placement Protocol and Role of CPS. If a child's parent is arrested and a relative is immediately nearby, law enforcement will informally assess the relative's home environment and observe a child's response to the relative before placing the child. Officers are not permitted to leave children with a neighbor or friend of the arrestee. When a relative is unavailable, law enforcement notifies the Children's Shelter of an emergency placement and transports the child there. About half of the children that the Shelter serves are brought there by law enforcement. Upon a child's arrival, shelter staff notifies CPS immediately. As Development Director Amy Dameron explains, "Law enforcement drop children off here and then we call CPS. In the meantime, we know they have a safe place to be."⁵⁷ CPS conducts a follow-up assessment of every child placed at the shelter to determine the best course of action.

Shelter-based Services for Children. When the Shelter receives a child, a medical screening is conducted at intake and those needing medical attention are immediately taken to a hospital. Children who remain or are returned to the Shelter participate in an array of services, including medical and dental care, emotional counseling, psychiatric services, daily art therapy, and health education. The Shelter provides crisis intervention as well as long-term therapy in both group and individual sessions. The local school district operates an on-campus school for children in kindergarten through fifth grade and preschoolers may participate in child development classes. Children exiting the shelter also receive follow-up services from a social worker.

The Children's Shelter has a \$7 million annual budget. The organization receives reimbursement from the state of Texas for every child brought to the emergency shelter that is in state custody. The Children's Shelter also receives funding from the United Way, a variety of government grants, corporate partners and local foundations.

COMPARING THE PROGRAMS

These programs integrate a variety of techniques and practice elements for addressing the needs of vulnerable children and families. Some sites target a larger population than children affected by parental arrest and some target a subset of this population. In order to assess and compare the potential efficacy of each strategy in addressing the needs of arrestees' children, the five strategies were evaluated according to the following comparative criteria.

Exhibit 3

Criteria for Comparing Promising Practices

The Immediate Arrest

- Are law enforcement officers trained to identify arrestees' children?
- Do partners attempt to minimize the trauma of arrest for children?

Emergency Placement

- Are there resources to assist with emergency placement of children in situations outside of abuse, neglect and abandonment?
- Are potential caregivers screened for their appropriateness?

Children's Well-Being

- Do children receive follow-up services to address their well-being?

Family Well-Being

- Do children's caregivers receive follow-up services to address family well-being?
- Do parents receive follow-up services to address family well-being?

The matrix presented in Exhibit 4 compares the sites' practices according to these criteria. Each site is rated with regard to how well they meet each of the above criteria, receiving a score of high (H), medium (M) or low (L). Information on the target populations as well as the partnering organizations engaged in each strategy is also included in the matrix.

All of the programs described in this report should be commended for their leadership in serving vulnerable children and families. As mentioned previously, none of these strategies were developed with the explicit objective of ensuring the safety and well-being of arrestees' children. As a result, it is not reasonable to expect sites to meet all of these criteria. This analysis is not intended as a critique of the individual programs but rather an attempt to assess their potential in meeting the needs of children affected by parental arrest in California.

The Immediate Arrest

As the matrix illustrates, each of the practices encourages the identification of children whose parents have been arrested. Mechanisms for supporting identification include police academy training, jurisdiction-based law enforcement training, training of a subset of law enforcement (narcotics unit), law enforcement seminars, and an educational fellowship program targeting supervisors. The CD-DP strategy appears to place the greatest emphasis on identifying children that may be left behind, by integrating on-going training for officers and their supervisors and making this goal a top priority for local law enforcement.

All sites integrate components to minimize the trauma of arrest for children. At Family Matters, PACT, and CD-DP, officers participate in education and training on child-sensitive arrest practices and the impact arrest may have on child development. All of the sites provide some form of near-term mental health services for children. PACT and CD-

DP are particularly noteworthy due to the availability of on-site emergency therapeutic intervention for children.

**Exhibit 4
Comparison of the Promising Practices**

	FAMILY MATTERS	POLICE ACTION COUNSELING TEAM	CHILD DEVELOPMENT-COMMUNITY POLICING	DRUG ENDANGERED CHILDREN PROGRAM	THE CHILDREN'S SHELTER
Law enforcement trained to identify children that may be left behind	M – One-day police academy training raises law enforcement awareness regarding children	M – Team training raises law enforcement awareness regarding children	H – Identifying children is a top priority, multiple educational activities support this goal	M – Only narcotics officers trained to identify children left behind	M – Placement practices encourage law enforcement to identify children because placement procedures are clear and quick
Trauma of arrest for children minimized	M – One-day police academy training educates officers; children whose parents are detained can receive counseling	H – Team training educates officers; mental health professionals on call to provide therapeutic intervention	H – Fellowship program and 10-week seminar educates officers; clinicians on call to provide therapeutic intervention	M – CPS social worker on call to attend to needs of children present at narcotics arrests and may make therapeutic referrals	M – Mental health services provided to children placed with the Shelter
Resources to assist with emergency placement	L – Officers may contact CPS, but often make placements without their assistance	L – Placements occur without assistance	H – Safe placement is a priority; law enforcement allowed adequate time and can contact CPS	M – CPS conducts placement, but only of children present at narcotics arrests	M – Officers bring children to the Shelter when a relative is unavailable
Potential caregivers are screened	L – Officers may or may not conduct background checks on relative caregivers	M – Mental health professionals conduct follow-up home visits	H – Criminal background & CPS check, mental health professionals follow up	M – CPS screens caregivers of all children present at narcotics arrests	M – Criminal screening for relative placements; CPS screens shelter placements
Follow-up service provision to children	H – Clinical mental health services, facilitated contact visits with mothers	H – Short-term counseling and follow-up referrals for needed services	H – Follow-up clinical services provided to children	M – CPS may make referrals for needed services	M – CPS may make referrals for needed services
Follow-up service provision to caregivers	H – Multiple support services (support groups, parenting classes, respite care); outreach planned	M – Follow-up referrals for needed services may be provided by mental health professionals	M – Follow-up clinical services may be provided; referrals for needed services may be provided by officers	L – Not an explicit intervention component, though CPS may assist	L – Not an explicit intervention component, though CPS may assist
Follow-up service provision to parents	H – Facilitated contact visits with children and post-release mothering program	L – None	L – Follow-up clinical services may be provided for released parents	L – None	L – None
Partners	CBO, law enforcement, CPS, corrections	Law enforcement, CBO	Law enforcement, CBO, schools	Law enforcement, CPS, local hospitals and DA	Law enforcement, CBO, CPS, community volunteers
Target population	Children of jailed and incarcerated mothers	Children affected by trauma	Child witnesses, victims or perpetrators of violence	Drug endangered children	Children of arrested parents that cannot be placed with relatives

Emergency Placement

At three of the sites, resources exist to assist with emergency placement of children when a custodial parent(s) is arrested. The CD-DP strategy receives the highest rating in this regard because it employs the most comprehensive strategy. At this site, law enforcement is allowed time to locate appropriate placements for children. Officers conduct a criminal background check on the designated caregiver and contact CPS to make certain there have been no prior reports of abuse and neglect involving this individual. Mental health professionals, who follow up on these children, verify the appropriateness and safety of the placement. While both the DEC Program and the San Antonio Children's Shelter rely on CPS to assist with emergency placement and screening of caregivers, not all children of arrestees benefit from these practices. The DEC program specifically targets children present at narcotics arrests, while officers in San Antonio make relative placements with a minor level of screening. The remaining two sites, Family Matters and PACT, report that law enforcement frequently place children without assistance. However, the PACT strategy integrates follow-up home visits by community mental health professionals who can check on child safety.

Children's Needs

With regard to follow-up service provision for children, all sites make referrals for needed services. Two sites do so via CPS, while the other three provide referrals via nonprofit and community providers. Family Matters, PACT and CD-DP all offer some form of continuing mental health services for children. However, Family Matters is the only site that provides facilitated contact visits for detained mothers and children.

Family Needs

Family Matters offers a very comprehensive array of support services for both caregivers and parents. These include parenting classes, caregiver support groups and respite care, and programming within the local correctional system. In comparison, the other four strategies place little emphasis on support services for children's caregivers and parents. While two of these sites may offer mental health services or referrals to caregivers, the other two have no explicit provisions for such services.

In summary, all of the practices reviewed here show promise for improving response to children in California affected by the arrest of a custodial parent. Each employs a unique set of strategies and practice elements for reducing the risk faced by children. The majority of them make use of existing community resources in addition to law enforcement and other public agencies. These practices demonstrate that it is possible for local communities to work together and positively intervene in the lives of vulnerable children and families. While these approaches are encouraging, they are not enough. To truly ensure the safety and well-being of all California children affected by parental arrest, the state must also take steps to support the efforts of local agencies and organizations.

CONCLUSIONS AND POLICY RECOMMENDATIONS

As the preceding section illustrates, local communities can take a number of important steps to improve response to children affected by parental arrest. At the same time, state laws and actions can either advance local-level efforts or unintentionally hinder them. If California is to ensure a consistent and appropriate response to children affected by parental arrest, the ultimate responsibility for change lies at the highest levels of state government.

This section addresses state-level policy mechanisms that can promote law enforcement, child welfare, the courts and other stakeholders to work together to identify, engage, and serve children of arrested parents and their families.* These recommendations are solely those of the author, and are not necessarily endorsed by the California Research Bureau or by any other agency.

RECOMMENDATION 1: Develop legislation that implements minimum thresholds for CPS involvement when a custodial parent has been arrested.

As many as 13 percent of adult felony arrests involve custodial parents and current placement practices are not sufficient to ensure the safety of all of these children. Specifically, current practices and policies fail to address those children who do not meet the “immediate danger” criteria under existing child welfare law, but who are at risk for being placed with inappropriate caretakers during their parents’ detainment. In order to improve these practices, legislation should be developed that clarifies minimum thresholds for CPS involvement in these situations.

Participants interviewed for this report highlighted a number of potential benefits of involving local child welfare agencies in the process of emergency placement for children whose custodial parent is arrested. These include the agencies’ ability to verify that potential caregivers have not victimized children in the past, to assess the suitability of caregivers and their home environments, to build on existing relationships with law enforcement, and to provide coverage of all counties in California. Interview participants also highlighted potential challenges for CPS including perceptions regarding the punitive nature of the system, family wariness of CPS and the financial impact of their involvement. Nevertheless, available research points to specific circumstances surrounding the arrest of a custodial parent that can place children at severe risk, as follows.

Situation 1: The arrestee has a prior history of child abuse, neglect or abandonment.

* The recommendations included in this report are primarily focused on the initial period following the arrest of a custodial parent(s) in situations where there is no evidence of child abuse, neglect or abandonment. Nevertheless, children of arrested and incarcerated parents and their families face a multitude of complex issues, as touched upon in previous sections of this report. For detailed information regarding the criminal justice system and prisoners’ families (i.e., the effects of ASFA) and relevant policy options, please refer to Simmons (2003).

Situation 2: The criminal behavior linked to a parent's arrest is known to be associated with child abuse, neglect or abandonment (i.e., drug manufacturing, use of cocaine and heroin, domestic violence, violent behavior).

Situation 3: The arrestee is unable to locate a caregiver who 1) does not have a prior history of child abuse, neglect or abandonment, and 2) has not exhibited recent criminal behavior known to be associated with child abuse, neglect or abandonment.

In light of the serious risks such circumstances pose for children, CPS should be required to respond to law enforcement requests for assistance with children in these situations.

The legislation should also address the mechanics of CPS and law enforcement interaction around caregiver assessment and placement of these children, as follows:

- Grant law enforcement and CPS statutory permission to share confidential information regarding whether an arrestee or caregiver has a prior history of child abuse, neglect or abandonment via CPS' telephone hotline.
- Permit law enforcement to conduct emergency placements for children after verifying that none of the three situations described above applies.
- Direct CPS to coordinate placement when an arrestee is unable to locate a caregiver without a prior history of child abuse, neglect or abandonment and who has not exhibited recent criminal behavior known to be associated with child abuse, neglect or abandonment, as described in Situation 3.
- Direct CPS to conduct an assessment pertinent to the safety and stability of children's placement in accordance with their existing guidelines in instances where either of the first two situations applies, but where a parent is able to locate a suitable caregiver.

The lack of data pertinent to children whose custodial parents are arrested makes it difficult to estimate the financial impact of this legislation. For example, we do not know how many arrests of custodial parents are characterized by the circumstances described above. Nor do we know what proportion of those that are characterized by these circumstances warrant and receive a CPS response already, or what proportion involve children who subsequently become involved with CPS due to a breakdown in the initial placement. It is important to note that this latter group does not represent any new costs for the state's child welfare system. In fact, early intervention and preventive efforts surrounding placement could potentially avert later CPS costs and other costs to the public at large.

On the law enforcement side, it is difficult to calculate the value of time officers now spend when attempting to locate emergency placements for children without CPS assistance. Finally, with regard to the mechanics of information sharing between CPS and law enforcement, CPS already operates 24-hour Emergency Response hotlines staffed by trained personnel who have immediate access to information regarding whether an individual has a prior CPS involvement in the state of California. Use of this

hotline would likely not incur new fixed costs, though there may be an increase in variable costs.

RECOMMENDATION 2: Develop legislation that facilitates the design of local-level initiatives and informs state policymaking.

Beyond immediate safety issues, the arrest of a custodial parent has serious implications for subsequent child well-being. While clarifying the roles and responsibilities of CPS and law enforcement in these instances would improve current policies and practices associated with parental arrest, more must be done to support integrated local-level strategies that address prevention, the on-going well-being of affected children, and the stability and safety of their caretaking environments following arrest. Community-based organizations, in particular, can play an important role in the development of programs and services that address children’s psychosocial needs, caregiver issues and parent-child relationships.

For this to happen, the state must provide leadership for the development of collaborative partnerships and protocols among local law enforcement, child welfare services and community-based organizations, each of whom have expertise and assets that can be marshaled to improve response to children and families affected by parental arrest. Chapter 187, Statutes of 2002 (SB1745, Polanco) could serve as an important legislative model in this regard. This law requires child welfare services, law enforcement, community-based organizations and others to collaboratively develop protocols for cooperative response to domestic violence incidents in homes where children reside.

It should be noted that such legislation would facilitate child welfare agencies in meeting existing requirements. As specified in the California Department of Social Services (CDSS) Child Welfare Services Manual of Policies and Procedures,

The county shall perform the following program support activities: Establish an effective system of pre-placement preventive services for children through liaison with the courts, and with probation, law enforcement, and other public and private agencies. Such system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children.⁵⁸

Providing families with access to community systems that address their needs can provide a cost-effective alternative to future involvement with the child welfare system.

RECOMMENDATION 3: Vest authority for promoting and coordinating local efforts at the state level.

Intervention with families in which the arrest of a custodial parent has occurred is at an early stage of development. State-level coordination can provide important support and direction in developing a policy agenda, establishing promising strategies, identifying barriers to change, assessing progress, and promoting research and evaluation to inform policy and program decisions. Vesting authority to promote and coordinate local efforts

in a partnership between the Attorney General (AG) and the Secretary for the Health and Human Services Agency (HHS) could significantly improve the performance of local efforts aimed at reducing the risks faced by children of arrested parents.

Specifically, this state-level partnership could advance the following activities and objectives:

- Seek funding for initiatives addressing the safety and well-being of children of arrested parents and their families.
- Educate local law enforcement, child welfare services, courts, community-based organizations and the public at large about the risks faced by children of arrested parents.
- Provide technical assistance to local communities developing the collaborative protocols discussed in Recommendation 3.
- Guide the development of demonstration projects grounded in the practice components identified in this report.
- Disseminate law enforcement and child welfare training materials using vehicles such as Peace Officers Standards and Training (POST), Peace Officers Research Association of California (PORAC), local police academies, continuing education programs for licensed social workers, the California State Sheriff's Association, the County Welfare Directors Association, and other law enforcement and child welfare groups.
- Convene regional summit meetings with relevant stakeholders to discuss on-going practice and policy concerns.
- Develop and advance a research agenda with regard to children of arrested parents.

RECOMMENDATION 4: Develop legislation directing the Commission on Peace Officer Standards and Training (POST) to create training materials and courses pertinent to the arrest of a custodial parent.

The Training Program Services Bureau of the California Commission on Peace Officer Standards and Training (POST) develops law enforcement curricula to meet California legislative mandates or other critical law enforcement training needs. These include publications, videos, television broadcasts, and specialty training programs. To the extent funds are available, POST should develop materials and courses to educate law enforcement officers on their roles and responsibilities with regard to children whose custodial parent(s) has been arrested, based on recommendations developed by the state-level partnership between the AG and the Secretary of HHS.

RECOMMENDATION 5: Direct the Attorney General and the Secretary of the Health and Human Services Agency to convene an advisory group on children of arrested parents.

The AG and the Secretary of HHS should convene an advisory group on children of arrested parents comprised of representatives from law enforcement, child welfare and mental health agencies, the courts, correctional officers in the jails, child advocates, and community-based organizations. To the extent that funds are made available, this process should both engage and educate key stakeholders on the implications of parental arrest for children.[†]

The primary goal of this group should be to encourage that the specific needs of children of arrested parents and their families are addressed in existing state partnerships and programs. Children of arrested parents are the hidden victims of their parents' crimes and are at risk for a number of negative consequences, including exposure to violence, involvement in the criminal justice system, child abuse and neglect, and placement in foster care. As such, they may be included within a number of existing state initiatives that address victims of crime, child abuse and prevention, crime prevention, juvenile diversion, and children exposed to violence. Key offices in this regard include the Office of the Attorney General (Community Oriented Policing and Problem Solving, Safe from the Start, Office of Victims' Services, Crime and Violence Prevention Center), the Governor's Office of Criminal Justice Planning, the Board of Corrections Planning and Program Division, and the Department of Social Services Office of Child Abuse Prevention.

The advisory group should also investigate and make on-going recommendations for practices and policy changes to reduce the risks faced by children of arrested parents. In this regard, it should be noted that the Child Welfare Services Stakeholder Group, appointed by the Director of the California Department of Social Services, is in the midst of a three-year process to examine the current child welfare system and make recommendations to improve it. In its Year Two report, the Group noted that the current CPS hotline assessment and intake standards are "often too narrow as evidenced by the large proportion of families who receive no services, but who may be at significant risk of future instances of child abuse or neglect."⁵⁹ The group recommended that child welfare staff be empowered to offer safety and change-oriented services based on family need and level of risk, rather than waiting for proof that child maltreatment has occurred. As of this writing, the Group is working to develop implementation plans to actualize its recommendations. While this planning effort is in its early phases, this initiative may be able to integrate special attention to the situations faced by children of arrested parents in its implementation work.

In light of the current budget situation, it may not be feasible to implement Recommendation Five at this time. If so, ensuring that children of arrested parents

[†] The AG and the Secretary of HHS should take advantage of the work currently being conducted by the California Research Bureau (CRB) and the California Family Impact Seminar (CAFIS) in this regard.

receive targeted attention to their needs within existing state efforts will be particularly important.

CONCLUSION

This report identifies a number of practice components essential to improving response to children and families affected by the arrest of a custodial parent. In the course of reviewing existing quantitative and qualitative data on children of arrested parents and in discussing the needs of these children with a wide range of policymakers and practitioners in the field, a number of issues were raised that merit further research and examination. Pursuant to Recommendations Four and Six listed, important questions that should be explored include:

- How do the costs and benefits of current practices compare to those associated with alternative response strategies? Specifically, what are the potential costs and benefits of raising the threshold for CPS involvement beyond that recommended here?
- How can arrestees be encouraged to provide information about children who may be left unattended? Are there administrative records that could be used to find out whether an arrestee is a custodial parent, such as those maintained by schools?
- How can local communities facilitate parent-child contact in the first 24 – 72 hours following arrest? How can they facilitate detained parents' relationships with their children and re-entry into the community?
- What additional mechanisms exist to facilitate the availability of 24-hour assistance for law enforcement when a custodial parent is arrested?
- How can the child welfare and correctional system engage in a way that supports parents' fulfillment of family service plans in accordance with the Adoption and Safe Families Act?
- How can take-up rates of existing income supports and services be increased for caregivers of children whose custodial parent has been arrested?
- Is there a way to integrate services for children affected by parental arrest and incarceration in our state's schools?
- What are the costs and benefits of not taking family responsibilities into account at sentencing? What are the potential costs and benefits for courts to take such responsibilities into account when making sentencing decisions?

In conclusion, law enforcement, child welfare agencies and community-based organizations are grappling with complicated questions about how to ensure a more consistent and appropriate response to children of arrested parents. To date, these institutions have been offered few resources and tools to find answers. If California is to ensure a consistent and appropriate response to children affected by parental arrest, state leadership is required to close existing gaps in the system, to fundamentally reduce the risks faced by this growing population of children, and to improve societal outcomes for our state's children and families.

State policymakers must take heed of the unintended consequences that our growing criminal justice system has for families. This report views the arrest of a custodial parent as a significant opportunity for positive intervention in the lives of high-risk children and one where we can fundamentally reduce the risks they face provided that government and local organizations work together. As Megan Mendez' life and death make clear, the consequences of doing nothing can be tragic.

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APPENDIX B: INTERVIEW PARTICIPANTS

As part of this study, the author conducted phone interviews with the following individuals.

Karen Asherah	Victim Advocate, Santa Clara Domestic Violence Response Team, CA
Nell Bernstein	Journalist, Berkeley, CA
Claudia Black	Director of Public Affairs, Oregon Department of Corrections Project Sponsor, Children of Incarcerated Parents Project
Barbara Bloom	Professor, Criminal Justice Administration, Sonoma State University, CA
Peter Breen	Advisory Committee Member, CWLA Federal Resource Center for Children of Prisoners, San Francisco, CA
Terri Brooks	Youth Programs Manager, Friends Outside, Santa Clara, CA
Todd Browning	Chief, Juvenile Justice and Delinquency Prevention Branch, Governor's Office of Criminal Justice Planning
Ron Crook	Training Program Services, Peace Officer Standards and Training (POST), CA
Amy Dameron	Vice President of Development, Children's Shelter of San Antonio, TX
Rick Gore	District Attorney Investigator, Child Abduction Unit, Yolo County, CA
Xiomara	Law Enforcement Liaison, Department of Children & Family Services, Los Angeles County, CA
Flores-Holguin	County, CA
Luke Galant	Former Program Manager, Bureau of Justice Assistance, US Department of Justice, Washington, D.C.
Randi Guigui	Project Director, National Campaign Against Youth Violence, Memphis, TN
Denise Johnston	Director, Center for Children of Incarcerated Parents, Thousand Oaks, CA
Anna T. Laszlo	Criminal Justice Consultant, Circle Solutions, Vienna, VA
Arlene Lee	Director, Child Welfare League of America Federal Resource Center for Children of Prisoners, Washington, D.C.
Karen Levine	Program Director, San Francisco Sheriff's Office, CA
Ruth Morgan	Executive Director, Community Works, Berkeley, CA
Dee Ann Newell	Program Director, Centers for Youth & Families, Little Rock, AR
Francisco Ortiz	Assistant Chief, New Haven Police Department, CT
Donna Petre	Judge, Yolo County Superior Court, CA
Craig Pierini	Program Manager, Child Abuse Prevention Program, State Office of the Attorney General, Sacramento, CA
Kristen Rogers	Co-Director, Sacramento Drug Endangered Children Task Force, CA
Tania Shapiro	Victim Advocate, Santa Clara Domestic Violence Response Team, CA
Jennifer Tait	Executive Director, Friends Outside, Santa Clara, CA
Sue Tonkins	Executive Director, Police Action Counseling Team, Riverside, CA
Sue Webber-Brown	District Attorney Investigator, Butte Interagency Narcotics Task Force, CA
Janet Winchester-Silbaugh	Project Director, PB&J Family Services, Albuquerque, NM
Angie Wolf	Senior Research Associate, National Council on Crime & Delinquency, Oakland, CA

APPENDIX C: COUNTY-LEVEL ESTIMATES

This table provides the estimated number of arrests involved single parents of minor children in the year 2001 for all California counties, and their relative state-wide rankings in this regard.

COUNTY	ESTIMATE	RANK
Alameda	2,176	8
Alpine	5	58
Amador	54	48
Butte	190	32
Calaveras	59	47
Colusa	37	51
Contra Costa	1,464	11
Del Norte	86	42
El Dorado	193	31
Fresno	1,624	10
Glenn	65	44
Humboldt	194	30
Imperial	253	28
Inyo	27	52
Kern	1,386	12
Kings	178	34
Lake	137	39
Lassen	26	53
Los Angeles	14,439	1
Madera	174	36
Marin	208	29
Mariposa	25	54
Mendocino	178	35
Merced	445	21
Modoc	19	56
Mono	20	55
Monterey	510	20
Napa	146	38
Nevada	99	41

COUNTY	ESTIMATE	RANK
Orange	2,887	4
Placer	344	23
Plumas	40	49
Riverside	2,244	7
Sacramento	2,587	5
San Benito	65	45
San Bernadino	3,813	2
San Diego	3,619	3
San Francisco	2,364	6
San Joaquin	1,175	13
San Luis Obispo	267	27
San Mateo	636	18
Santa Barbara	416	22
Santa Clara	2,096	9
Santa Cruz	285	26
Shasta	288	25
Sierra	8	57
Siskiyou	63	46
Solana	713	16
Sonoma	575	19
Stanislaus	1,033	14
Sutter	133	40
Tehama	158	37
Trinity	38	50
Tulare	699	17
Tuolumne	70	43
Ventura	813	15
Yolo	340	24
Yuba	186	33

ENDNOTES

- ¹ Mooney (2002).
- ² McCray and Mooney (2000).
- ³ Cote (2003).
- ⁴ Simmons (2003) and Nieto (2002).
- ⁵ Beck and Glaze (2003).
- ⁶ Bonczar and Beck (1997).
- ⁷ Travis and Lawrence (2002).
- ⁸ Harrison and Karberg (2003).
- ⁹ California Department of Corrections (2002).
- ¹⁰ Mumola (2000).
- ¹¹ California Research Bureau (2003).
- ¹² Harnhill et al. (1998), Nieto (2002).
- ¹³ Gabel (1992).
- ¹⁴ Hagan (1996), Johnson and Waldfogel (2002b).
- ¹⁵ Based on data from the Bureau of Justice Statistics *1997 Survey of Inmates in State and Federal Correctional Facilities*.
- ¹⁶ Bloom and Steinhart (1993).
- ¹⁷ Seymour (1998).
- ¹⁸ Hairston (2002).
- ¹⁹ Wright and Seymour (2000).
- ²⁰ Johnston (1991).
- ²¹ Per telephone interview with Janet Winchester Silbaugh, Project Director, PB&J Family Services, April 22, 2003.
- ²² Interview conducted by Nell Bernstein (reprinted with permission).
- ²³ Per telephone interview with Anna Laszlo, March 14, 2003.
- ²⁴ Based on data from the Bureau of Justice Statistics *1997 Survey of Inmates in State and Federal Correctional Facilities*.
- ²⁵ McGowan and Blumenthal (1978).
- ²⁶ Nieto (2002).
- ²⁷ Interview conducted by Nell Bernstein (reprinted with permission).
- ²⁸ Bloom and Steinhart (1993).
- ²⁹ Ehrle and Geen (2002).
- ³⁰ Children and Family Services, California Department of Social Services (2003).
- ³¹ See Jantz et al. (2002), Geen (2003), Malm and Geen (2003).
- ³² Ehrle and Geen (2002).
- ³³ Thornberry, et al (1999).
- ³⁴ Covington (2002).
- ³⁵ Interview conducted by Nell Bernstein (reprinted with permission).
- ³⁶ Stanley and Byrne (2000); Holt (1972).
- ³⁷ Based on data from the Bureau of Justice Statistics *1997 Survey of Inmates in State and Federal Correctional Facilities*.
- ³⁸ Bloom (1995).
- ³⁹ Hairston (2002).
- ⁴⁰ Johnson and Waldfogel (2002b).
- ⁴¹ Per e-mail communication with Tracy Alexander, Public Affairs Intern, Oregon Department of Corrections, April 22, 2002.
- ⁴² Based on data from the Bureau of Justice Statistics *1997 Survey of Inmates in State and Federal Correctional Facilities*.
- ⁴³ Data from the California Department of Corrections Criminal Justice Statistics Center, *Adult Misdemeanor Arrests by Gender, Offense and Arrest Rate, 2001*.
- ⁴⁴ According to 2000 census data, only 3 percent of California households are headed by males living with their own children under the age of 18 without a wife present.
- ⁴⁵ Hairston (1995).

⁴⁶ Based on data from the Bureau of Justice Statistics *1997 Survey of Inmates in State and Federal Correctional Facilities*.

⁴⁷ Nieto (2002).

⁴⁸ Simmons (2003).

⁴⁹ Reed and Karpilow (2002).

⁵⁰ Simmons (2003).

⁵¹ Smith et al. (1994).

⁵² All quotes per telephone interview with Dee Ann Newell, March 21, 2003.

⁵³ All quotes per telephone interview with Dr. Sue Tonkins, March 31, 2003.

⁵⁴ All quotes per telephone interview with Francisco Ortiz, April 16, 2003.

⁵⁵ All quotes per telephone interview with Sue Webber-Brown, March 25, 2003.

⁵⁶ Funding for this program ceased in 2000.

⁵⁷ All quotes per telephone interview with Amy Dameron, April 7, 2003.

⁵⁸ CDSS MPP Sec.31-005.1.

⁵⁹ Child Welfare Services Stakeholder Group (2003).