



THE RIGHTS OF CHILDREN OF INCARCERATED PARENTS

PROCEEDINGS OF THE EXPERT PANEL MEETING

Zagreb
2013

THE RIGHTS OF CHILDREN OF INCARCERATED PARENTS
Proceedings of the Expert Panel Meeting

PRAVA DJECE ČIJI SU RODITELJI U ZATVORU
Zbornik priopćenja sa stručne rasprave - first edited in 2009.

Published by

The Ombudsperson for Children

Published on behalf of

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ISBN 978-953-7790-04-2

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“Children should be told that prison-imposed restrictions do not apply to love.”

*Marie-France Blanco, “Children of Imprisoned Parents:
European Perspectives on Good Practice”, Eurochips, Paris, 2006*

PREFACE TO THE ENGLISH EDITION

Proceedings of the expert panel meeting entitled “The Rights of Children of Incarcerated Parents” was first published in 2009 and it represents the expected continuation of the efforts of the Children’s Ombudsperson’s Office to protect the rights of children of incarcerated parents, following the first public debate on this subject held in 2008. Here is the English version of the Proceedings, also available in digital form on the Children’s Ombudsperson’s website www.dijete.hr.

The Office of the Children’s Ombudsperson has been continuously monitoring the implementation of the rights of children of incarcerated parents since 2006, making every effort to ensure they are protected. Based on the gathered information and insights as well as various activities and collaborations with international organizations, particularly EU-ROCHIPS (European Committee for Children of Imprisoned Parents), we published this Proceedings four years ago in order to draw the attention of the public and the relevant authorities to the fact that children of incarcerated parents form an especially vulnerable and often invisible group, whose many rights are frequently threatened and unexercised.

Several thousand Croatian children currently have at least one parent in state prisons. These children are vulnerable, and often neglected and forgotten by society. Each child’s life history is different; though sometimes children may be direct victims, they are almost always indirect victims. Children of incarcerated parents, through no fault of their own, suffer the consequences of their parent’s behaviors. Many of the children’s rights are breached or violated and they are forced to live with the consequences of their parents’ wrong choices. On the other hand, a father or a mother, though incarcerated, does not cease to be the child’s parent, and to reduce him/her to being mere *thief* and *convict* is to deny a child the chance to experience much-needed parental love and care, even if the child temporarily lives apart from his parent. Children need help understanding that their parents’ punishment (and responsibility) for their criminal behavior does in no way extend to them and that they are not being punished as well. This is why it is important that children of prisoners are allowed contact with their parents in a non-threatening environment, making it easier for them to communicate and maintain relationships essential to child’s growing up.

While making arrangements for the expert panel meeting in 2008 we encountered different viewpoints and reactions. Attitudes ranged from supportive and favorable towards our willingness to speak out about the rights of children that belong to a group often evoking negative associations; to questioning the reasons for which this topic had been chosen (which does not seem to need further clarification), while other problems in the

prison system existed that should be given higher priority. We also encountered mockery and inquiries as to whether we were going to have correctional officers acting as kindergarten teachers.

The Children's Ombudsperson's sphere of interest embraces all children without exceptions, and we feel called upon and obligated to speak out about all of them, to warn of the shortcomings and negligence towards children, and to point out positive examples. No child or group of children is allowed to be marginalized or forgotten. A key task of the Ombudsperson is to point out the significance of protecting children of incarcerated parents and encouraging those who participate in their care – or make decisions directly or indirectly affecting children – to take the proper approach, show special sensitivity, and protect such children from further trauma and stigmatization.

According to the Children's Ombudsperson Act and international documents and guidelines, it is the Ombudsperson's right and duty to "obtain access to facilities and inquire whether children residing or temporarily or permanently placed with any natural person or corporation are properly cared for". One such place is a prison or correctional facility¹. In addition, while touring prisons we are able to gain an external and impartial view of the situation, as an independent institution unrelated to prison administration and the executive authorities. This way we are enforcing recommendations adopted by the Committee of Ministers in 1999, specifically Recommendation No. (99) 22, according to which certain harmful effects of prison overcrowding can be overcome by encouraging contact between prisoners and their families and maximizing community support.

In compliance with its legal obligation and prompted by complaints received by the Office, the Children's Ombudsperson and her associates visited twelve Croatian prisons and correctional facilities some of them on several occasions. They interviewed staff members and inmates of both sexes and inspected facilities in which meetings between children and incarcerated parents took place.

It all began in 2006 when the Deputy Ombudsperson for Children, acting as a representative of the Children's Ombudsperson's Office, participated in an international conference² on children of incarcerated parents and gained a glimpse of practice and how approaches to working with affected children were evolving in other countries. We agreed that we too need to publicly discuss the issue if we wanted to draw the attention of relevant professional services to the importance of the approach to children of incarcerated parents and the need for sensitivity.

¹ For space economizing reasons we will use a colloquial term "prison" to denote both, the "prison" and the "correctional facility".

² EUROCHIPS (The European Committee for Children of Imprisoned Parents) Conference entitled "Children of Imprisoned Parents: European Perspectives", Paris, May 12-13, 2006.

A number of questions arose. How do children whose parents are serving a prison sentence feel? How do they cope with being separated from a parent? Do they get to see their parent? Do they know where their parent is and do they visit him/her? What kind of help and support do they need? What are the actions that society and the State are required to take in order to help children – provided that they want to and that circumstances allow it – maintain communication with their incarcerated fathers and mothers? What is the legislative and legal framework for these actions and what can (or is being) done by the professionals? How are children whose parents have been imprisoned treated by the media?

Bearing in mind the fact that providing care for several thousand children of incarcerated parents is a State obligation under the Convention on the Rights of the Child, national laws, the Council of Europe's recommendations and updates European Prison Rules, we decided to publicly discuss this delicate and rather neglected subject. Consequently, the Children's Ombudsperson organized an expert panel meeting entitled "The Rights of Children of Incarcerated Parents", held February 27, 2008, on the premises of Tribina grada Zagreba. There were approximately 120 attendees at the panel meeting, including representatives of the Ministry of Health and Social Welfare, the Ministry of Justice, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, social welfare centers, the Bureau of Prisons, correctional facility administrations, police, courts, the Public Prosecutor's Office, scientific and higher education institutions, nongovernmental organizations and professional associations, the Ombudsman, the Gender Equality Ombudsperson, the Education and Teacher Training Agency, lawyers and other interested parties.

Discussion was generated by a series of introductory presentations which addressing the topic from different perspectives. These proceedings of the panel meeting are a compilation of these presentations. Following discussion, we requested experts in clinical psychology to make contributions on the subject in an attempt to make the meeting proceedings more complete. While dealing with the subject we realized that there are undoubtedly other aspects that we have not yet tackled, such as the children's resilience, different children's reactions depending on the type of parents' offense (misdemeanor or felony) and the thoughts and feelings experienced by children in such circumstances.

The papers published here express independent professional opinions which could illuminate and explore certain aspects of the welfare of children of incarcerated parents. We believe that they could offer possible solutions, recommendations or visions, which was the original aim of the expert panel meeting and the purpose of this proceedings.

In addition to drawing our attention to the needs and interests of children of incarcerated

parents, the Children's Ombudsperson deems it important to gather a variety of opinions on the subject, thus addressing the topic from a multidisciplinary perspective; she also feels it is important to speak up not only about protection of children's rights but also about the rehabilitation as part of penal strategy of their parents.

The proceedings begin with the editor's preface which is followed by the Introductory word by the Director of EUROCHIPS. Welcoming word was written by the former Director of the Bureau of Prisons who gives us some insight into the perspective of the facility entrusted with the custody and supervision of prisoners, many of which have children.

The proceedings are divided into three categories of presentations³. The first category, dedicated to the experiences of children "growing up" with incarcerated parents and the support available to them, includes two papers: "Children Growing up with a Parent in Prison" by Ms. Maja Gabelica Šupljika; and "Supporting Children with a Parent in Prison" by Ms. Bruna Profaca and Ms. Gordana Buljan Flander. Both papers raise crucial questions about the topics they address. The answers to these questions can be found by drawing on the experience of two institutions concerned with children's rights and their mental health and recovery. In this category we also seek to address the position of incarcerated parents, and explore the dimensions of prison rehabilitation.

The second category includes two legal articles: "Legal and Social Protection of Children of Incarcerated Parents" by Ms. Mila Jelavić, Children's Ombudsperson of the Republic of Croatia, and "Children of Incarcerated Parents – Criminal Aspects" by Mr. Ranko Marijan, Judge of the Supreme Court of the Republic of Croatia. The authors elaborate on society's legal responsibility to protect children's rights and to enable incarcerated parents to exercise their parental rights and responsibilities.

The third and final category of presentations includes three papers: "What is the Best Interest of a Child Whose Parent is Incarcerated for Domestic Violence?" by Mr. Dean Ajduković; "PROROK Program: Promoting Parental Competence and Reducing Negative Impact of Father-Child Separation due to Imprisonment" by Ms. Ljiljana Vukota and "Media Stigmatization of Children" by Mr. Igor Kanižaj. The first paper primarily seeks to shed additional light on the position of children and their needs and rights in a "domestic violence environment", yet also examines the prospects for the rehabilitation of domestic violence offenders. The second paper presents a program for promoting parental competence and reducing harmful effects that separation due to incarceration of a father might have on the child. The last article in this category deals with the media's stigmatization of children in general, and of this specific group in particular.

³ In a part of the preface which serves as a sort of a "guide through the meeting's proceedings" we used elements of a review paper by Prof. Antonija Žižak, Sc.D.

The proceedings end with the conclusions of the expert panel, based on aforementioned segments of the proceedings, and devised as being implementable. Besides, they are intended to remind us of the importance of our conjoined efforts to make every child affected by parental incarceration feel less lonely, isolated, deprived and discriminated against.

The proceedings have been distributed to all penal institutions in Croatia, numerous social welfare and family centers, kindergartens, schools, libraries, universities, police departments, law and social work students. Many educators, teachers, and, most importantly, parents whom the subject matter concerns – the ones in prison as well as the ones with whom the children live – have expressed their interest in the proceedings.

What has changed since the publication of the Proceedings?

The response the Proceedings have met indicates that its content is still relevant, serving as a reminder and a milestone in keeping track of the changes that took place in this area in Croatia and Europe. We have obviously achieved significant improvement in certain aspects, some have remained the same as four years ago, and some have, regrettably, worsened.

The number of reports of children's rights violations filed with our Office is constantly increasing. We pay regular visits and make recommendations to penal institutions, continuously keep the public informed on important insights and events, and participate in debates. We often give presentations on the subject at national and international conferences. One of such conferences that took place in Croatia was the scientific expert panel meeting entitled "Psychosocial Aspects of Violence in Contemporary Society: A Challenge for Family, School and Community", organized by the Faculty of Philosophy in Osijek and the Croatian Psychological Association in 2010, at which we have delivered presentation on the rights of children of incarcerated parents entitled "Protection of Children's Rights in the Penal System". We have also spoken on this subject to pedagogy, psychology, social work and journalism students, giving guest presentations at various faculties. Journalists and medias in general have exhibited considerable interest in the subject.

We therefore believe that we may well conclude that our efforts and activities resulted in making the needs of a previously invisible group of children quite visible.

As a member of EUROCHIPS we were able to adopt international guidelines, research findings and pan-European recommendations. Gaining a direct insight into the international standards by visiting European prisons has also proved to be a priceless experience. The presentations that we have given at the international conferences have awa-

kened interest of certain groups in the subject in general, while the others, dealing with the subject professionally, got interested in our work and projects. We participated in the following international conferences and activities:

- International Conference on Children's Rights and the Protection of Children Against Violence held in Ljubljana in 2009, organized by Slovenian Human Rights Ombudsman, the Ministry of Foreign Affairs and Slovenian Parliament, where we gave a presentation entitled „Vulnerable Children – from Recognizing to Protection“.
- ENOC (European Network of Ombudspersons for Children) Annual Conference held in Paris in 2009, where we organized a workshop on the subject “The Invisibility of Children of Incarcerated Parents”.
- EUROCHIPS Annual Conference held in Oslo in 2010, where we gave a presentation entitled “Children with Imprisoned Parents – Children's Ombudsman's Office as Catalyst” and in Barcelona in 2011 where we delivered invited presentation entitled “Promoting Child Participation: A Look at Different Ways”.
- We participated in the Day of General Discussion on children of incarcerated parents, hosted by the UN's Committee on the Rights of the Child held in 2011 in Geneva.
- Conference entitled “I Love. I Do Not Hit. The Whole Europe Against Child Abuse: Building Up a Network to Fight Against Domestic Violence” organized by the National Competence Center in 2011 in Warsaw, where we delivered presentation on the actual extent of protection provided to vulnerable groups of children, including children of imprisoned parents.
- Expert consultative visit to Palestine in 2011, at the invitation of the Save the Children Norway organization, where we presented the organizational model of Croatian Children's Ombudsperson's program and the model of protection of vulnerable group of children to the representatives of ICHR (Independent Commissioner for Human Rights), national and international nongovernmental organizations; governmental bodies, and the Palestinian Parliament.
- Regional Seminar & Workshop on the Rights of Children – Commemorating the Heritage of Janusz Korczak held in 2012 in Tirana, where we gave a presentation on children's rights, particularly those of children whose parents have been deprived of liberty.

We may say that European and global experiences with respect to such children are generally richer. Many European nongovernmental organizations are dealing with children of prisoners. At the global scale, the UN has dedicated for the first time the Day of General Discussion to such children. In the meantime, a number of projects dedicated to these children have been financed through EU funds. It should be mentioned that two extensive studies have been conducted over the past two years. One of them, „A

European Study on Children of Imprisoned Parents“, was based on a research conducted by Danish Institute for Human Rights, EUROCHIPS, the University of Ulster and the Italian organization Bambinisenzasbarre in 2011 in Denmark, Italy, Northern Ireland and Poland.

The most recent and most comprehensive is the COPING project (Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health). The results of the three-year research project were announced at the international conference entitled “Coping with a Parent in Prison: An Agenda for Policy Reform“, held in November 2012 in Brussels – a conference which a representative of the Office of Children’s Ombudsperson of the Republic of Croatia had the honor to chair. The results of the COPING study, conducted in Germany, Great Britain, Sweden and Romania in collaboration with NGOs and academic institutions from these countries, were presented at the conference. The research was carried out with the help of two umbrella organization: EUROCHIPS and Quaker United Nations Office from Geneva.

A particularly beneficial outcome of this project were 12 pan-European recommendations divided into five categories: 1. Policy and Public Awareness: A precondition for change; 2. Child-friendly Criminal Justice Systems: Getting it right from the start; 3. Maintaining Contact with the Imprisoned Parent: What it takes to keep in touch; 4. Advice and Support to Parents and Care-Givers: Getting through the experience and 5. The Role of Schools: Friends in a time of need. The added value of these recommendations is a list of European and global organizations and institutions to which the recommendations are particularly relevant, including, among others, ENOC – the European Network of Ombudspersons for Children. One of its members is also the Croatian Children’s Ombudsperson’s Office. We have forwarded these recommendations to ENOC, Children’s Association Coordinating Committee, the Ministry of Justice, the Bureau of Prisons, the Ministry of the Interior, the Ministry of Social Policy and Youth, the Ministry of Science, Education and Sports, the Ministry of Health and the Ministry of Foreign and European Affairs. In addition, we sent these recommendations to the Attorney General’s Office, the Judicial Academy, the Croatian Bar Association, the Committee for Human and National Minorities Rights, the Judiciary Committee of the Croatian Parliament, as well as to the Croatian Parliament Delegation to the Parliamentary Assembly of the Council of Europe.

Over the past few years in Europe great changes have taken place in this area with respect to awareness raising and targeted expert activities. In 2010 a powerful campaign was launched which served as a basis for establishing the International Prisoners’ Children Awareness Week under the slogan “Not My Crime – Still My Sentence. It Doesn’t Have to Be This Way.” We have also joined the campaign. Each year we mark the Children’s Rights Awareness Week and appeal to public to do the same. Furthermore, in 2010 the

Office has joined in the request of the Quaker United Nations Organization (QUNO), EUROCHIPS and 40 other international organizations and individuals addressed to the UN Committee on the Rights of the Child to dedicate a day to a discussion on children of incarcerated parents. This finally took place in September 2011 in the UN Office in Geneva. Croatian Deputy Ombudsperson for Children participated in this debate; the emphasis in her presentation was placed on media coverage of such children.

Marking the International Awareness Week EUROCHIPS has organized in 2012 a petition addressed to the Vice-President of European Parliament, Roberta Angelilli, in an attempt to prompt her to argue for the recognition of the needs of this vulnerable group during the discussions held in the European Parliament. The result this campaign aimed at was setting up of adequate and comfortable areas where children might meet and spend time with their incarcerated parents and the implementation of training courses in all EU member countries for prison staff having contacts with this vulnerable group.

Children's participation with respect to this subject is increasing. On many occasions they have spoken about the difficulties that children of incarcerated parents face and how they see the solution to these problems.

What have we learned so far?

Psychological perspective on a child, as laid out in the Proceedings, has remained mostly unaltered. A discussion on providing support to a child whose parent is in prison is still open, but this area is now offering space for a more detailed consideration of the resilience of certain children and the need to improve it. The claim that children must by all means be told the truth about their incarcerated parent is now being questioned. In a discussion the EUROCHIPS President Alain Bouregba has offered several subtle insights which we have not dealt with so far. He claimed that children and parents alike should not be forced to know or to tell the truth. One should help parents find the best possible way to answer the child's question and respond to the child's behavior in a responsible and loving manner. In order to act responsibly, the parent needs support, not a request. And the truth, particularly when communicated directly, is not always the best option for the child. It may be modified in an acceptable and less hurtful way, but in doing so one should recognize the child's need for truth. The need for truth induces children to grow up and evolve as persons. This makes it different from the truth itself which, when put bluntly and „cruelly“, may hurt the child.

Legal and social protection of children of incarcerated parents and the criminal aspects have not considerably changed in Croatia, despite the introduction of new laws. In the

meantime, medias have helped raise awareness of the needs of these children, but still occasionally threaten their privacy and by covering their stories expose them to additional hardships. Discussion on the well-being of a child whose parent has been imprisoned for having committed domestic violence is also still open, but here the practice has evolved in direction different from our expectations. Even though proven and high quality treatment programs for domestic violence offenders and the services of qualified experts are available, the state has not provided funding for their implementation.

In the meantime, the PROROK program has come to life and evolved into a Responsible Parenting program which has been implemented in all penal institutions; it also involved representatives of family centers and the things seemed to be progressing nicely. But the redistribution of duties within family centers rendered further involvement of their employees impossible. The program has undergone significant downsizing and today depends on enthusiasm and personnel resources of the prison system, which makes its further sustainability questionable.

What are we satisfied with?

We may say that the sensitivity to and awareness of the needs of these children and their vulnerability has increased. Some significant changes aimed at improving their well-being have been introduced. Originally the agents of such changes were prison service employees, as the most prominent figures in ensuring minimal material prerequisites for a more appropriate settings in which children spend their time during visitation hours. They are mostly a result of enthusiasm of prison staff and a warden. Nowadays all prisons have areas where children meet with their parents.

The Prison System Administration has also expressed interest in and willingness to introduce systematic changes and improvements as well as to recognize the values of standards presently valid in other countries. There are a number of examples of good practice such as Lepoglava Penitentiary which offers activities for children and their parents and publishes prison newspapers addressing many different subjects, including this one.

In a 2009 discussion on the Report on the performance of penitentiaries, prisons and juvenile correctional facilities we have drawn the attention of the Committee for Human and National Minority Rights of the Croatian Parliament to the need to systematically monitor and encourage contacts between children and their imprisoned parents. Reports issued since then also contain evaluations of the extent to which the Ombudsperson's recommendations regarding children of prisoners have been implemented.

The Office of Children's Ombudsperson has been recognized as an important partner to international institutions in monitoring, researching and protecting this group of children. The Office became an active joint member of EUROCHIPS in 2009 and a full member in 2012.

What remains to be done?

There is still no system of comprehensive protection of these children's rights in Croatia. Even though systems, organizations and institutions which in joint effort may do a lot for such children – each in its own specific area – have been identified, for the time being they are not interlinked nor coordinated. Moreover, we expect civil society organizations to get more involved. Until now, they have not responded to our appeals and recommendations to get involved and devise support programs.

There are still no services available that could regularly and systematically provide assistance and support to families and children. Although family centers have resources to do so, they are still not properly utilized. Also, there is still no feedback from children on their experiences and needs.

It is necessary to improve spaces in which children meet with their parents, as not enough has been invested into them since – at our initiative – visiting areas for children and their parents have been set up in penal institutions. It is equally important to strengthen the competence of prison staff in order to provide assistance and support to prisoners, children and the entire families, enabling them to develop their relationships and spend some quality time together.

The problem that children of incarcerated parents are most often faced with is the inability to exercise the right to maintain contact with their parents, either due to long distance placement, high travel costs or the other parent's or caregiver's unwillingness to take the child to a prison visit. Problems are also encountered in the way that visits in correctional institutions are organized and carried out, and children whose parents have been remanded in custody or held in pretrial detention are unable to maintain contact with their parents in the same way. Besides, it is necessary to improve special foster care placement of underage mothers following their release from juvenile correctional facility or prison's mother and baby units if they have nowhere to go. Hence we made a few recommendations in that respect.

It has come to our attention that, even on a global scale, the surveys on children who experience a double loss when a parent ends up in a prison for murdering the other parent, are lacking; such complex circumstances affect many aspects of child's life.

We may say that the protection of rights of children of incarcerated parents has improved over the past few years, primarily by increasing the visibility of such children and their specific needs, especially among the prison service employees. Nevertheless, basic standards in protection of rights of children of incarcerated parents have not yet become an integral part of the normal operation of relevant institutions. Indeed, some of the already established standards have been either revoked or their further development has been underinvested.

Why are we publishing the 2009 Proceedings in English?

Many experts from international organizations and authorities in this area have expressed interest in our experiences, considerations, practices and current situation in Croatia, as well as in the Proceedings itself. We have had certain segments of the Proceedings translated and sent to some of them. This has notably improved our collaboration and communication as well as expanded the discussion on good practices, experiences, dilemmas, issues and questions still lacking the right answers.

Therefore, we found it appropriate to publish the Proceedings in English in a digital form as its content is still relevant and still arouses a lot of interest.

Our special thanks go to Ms. Liz Ayre, a director of EUROCHIPS, who has read and proofread the translation of the Proceedings and written the Introductory word to its English version. We extend our gratitude to her as well as to the other experts and colleagues in EUROCHIPS network and other organizations for supporting our work. Their interest gives us extra strength and motivation.

We intend to continue to pursue this subject with the same intensity. In the near future we plan to publish an amended edition of the Proceedings in which, hopefully, we will be able to show greater achievements in the practice in Croatia; more information on children and their contacts with the parents in prison; better involvement of state institutions and the public sector as well as their synergistic joint efforts. In the meantime, this e-edition in English will hopefully be beneficial and usable to those who deal with or are only starting to deal with the protection and well-being of children of incarcerated parents.

Maja Gabelica Šupljika



INTRODUCTORY WORD FROM THE DIRECTOR OF EUROCHIPS

Discrimination is a rope that binds the soul and diminishes its light. Rejection becomes a part of daily life, stifling individual expression and human achievement. Children with imprisoned parents frequently suffer many forms of discrimination. Not only are they deprived of a parent, but they often bear the brunt of bullying, economic hardship, stigma, social exclusion and shame. Yet these children have done nothing wrong... I have spent many years speaking out against all forms of discrimination... The existence of this group of children and the discrimination they face deserve recognition, as do the many positive initiatives and ideas explored in this good practice guide. The aim is to help these children surmount their difficulties, gain a solid foothold in existence and move forward into light.

Taslima Nasreen

Novelist, poet and human rights activist Taslima Nasreen wrote this inscription for the first pan-European publication on children with imprisoned parents, launched at a 2006 European conference organized by the EUROCHIPS network at which Ms Nasreen was the keynote speaker. Some 35 countries were present at the event. Here, I met Maja Gabelica Suplika, Deputy Croatian Ombudsperson for Children for the first time; a grant from the Open Society Institute had enabled the participation of practitioners and experts from Eastern Europe. The conference, we later learned, had been an eye-opener for the Children's Ombudsperson's Office and the starting point of Ombudsperson activity on this issue. Little did I know at the time what a pioneering role that she and the Children's Ombudsperson's Office Croatia would later play in raising awareness of the widespread existence of children with imprisoned parents in that country. Thanks to their efforts in getting the issue off the ground, work was underway to ensure that the more than 3,000 children separated from an imprisoned parent in Croatia could gain easier access to support interventions, and prison visits facilities would grow increasingly child-friendly. Attitudes among those sectors of the general public sensitized to the issue would become more accepting, the children's development and rights to family life be better protected. It was a first step, a crucial preliminary phase for launching the good practice initiatives that would fulfil the rights of these children to healthy development and family life.

Since joining the EUROCHIPS network in 2009, the Children's Ombudsperson's Office Croatia has been active in sharing and exchanging their experience with that of the network's

other 21 members, active in 16 European countries. A pan-European consensus on good practice initiatives has been forged by EUROCHIPS over the past decade and a half, yet this consensus is constantly evolving and developing, growing more nuanced over time, enriched by the multicultural expertise and experience of its members. Conferences, seminars, research ventures and other initiatives have allowed the Children's Ombudsperson's Office to go deeper into relevant issues, to envisage which good practice initiatives introducing the child's perspective into all stages of the criminal justice process would be best for their context; and how these initiatives could be fostered and implemented. Relevant issues are regularly tabled for discussion: How can the child's right to family life best be implemented? What enhances contact between a child and an imprisoned parent? What factors best protect the child's development and promote resilience? How can practitioners and stakeholders work to ensure that separation due to the incarceration of a parent is not interpreted by the child as abandonment? How to provide information to children about the incarcerated parent's whereabouts and protect their best interests? Article 9(4) of the UNCRC stipulates that it is incumbent upon State parties to provide the child with essential information on the imprisoned parent's whereabouts when in the child's best interest, but a surfeit of information may negatively impact the child's understanding and hinder his ability to structure his thoughts about a given situation. Conversely, distorting the truth about the parent can hinder the development of the child's reasoning capacities. Clinical observations show that children do not search for the reasons why their parent is in jail, but rather try to make sense of the action. What truly matters for them is to be able to make sense of the situation, to know what consequences the incarceration will have on their relationship with the parent and how the parent will evolve in this situation. These and other key issues are the subject of ongoing discussion and debate within the network, and as we have seen, provide stimulus for the Children's Ombudsperson's Office Croatia to take the issue of parental incarceration to new levels in Croatia, actually implementing and grounding good practice for children with imprisoned parents.

The excellent ideas and information provided in this report will add to the valuable body of knowledge and experience on the subject of parental incarceration. We are grateful for this wealth of information and expertise, and for the active participation of the Children's Ombudsperson's Office Croatia within the EUROCHIPS network. Their efforts to strengthen the rights of the child and to implement good practice initiatives that make these rights a reality represent remarkable advances in helping a greater number of children coping with the imprisonment of a parent in Croatia to gain a solid foothold in existence and move forward into light.

*Liz Ayre
Director, EUROCHIPS
October 2012*

A WORD OF WELCOME FROM THE DIRECTOR OF THE BUREAU OF PRISONS*

Organizing a roundtable discussion on “The Rights of Children of Incarcerated Parents” is a commendable way of assembling at least some of the experts who can speak competently on this particularly sensitive subject.

The necessity of compliance with the Convention on the Rights of the Child in every segment of society is indisputable and the same applies to the prison system in which children, whose parents have violated the law, unavoidably become the center of our concern and our responsibility in (re)establishing the system in such a way as to minimize the trauma experienced by children when a parent is incarcerated. The Constitution and the Laws of the Republic of Croatia, including the Execution of Sentences Act (2003), place special emphasis on human rights. The right to family life during incarceration is equally the right of a prisoner as it is of his/her non-imprisoned family members. Because of that, in our prison system a special importance is attributed to maintaining family contact and family relationships; facilitating their restoration in case they are disrupted; and enabling prisoners to participate in decision-making about select family issues and the child’s upbringing by exercising their legal right to visits by their family members twice a month and on holidays. Underage children are permitted to visit their parents once a week and on holidays in order to reduce the effects of parental absence and preserve the family bonds until the parent is released from prison.

Visits to prisoners are just one of the manifestations of the prison system’s role in promoting the maintenance of family relationships. Despite the limited spatial conditions, many prisons and correctional facilities have long had child-oriented spaces in visiting rooms. The Children’s Ombudsperson’s visits and observations are welcome in that sense and provide impetus for improvement and betterment of the situation where deemed required. Indeed, we believe that the attention that the Office of the Children’s Ombudsperson pays to the prison system is our advantage over institutions in which such inspections have not yet been performed, since it puts us in a position to support children, as our most important indirect clients, by creating adequate conditions across the entire system in which they could spend some time with their mothers or fathers.

* Welcome address delivered by Ms. Vesna Babić, former Head of the Office of Treatment Services, on behalf of Mr. Ivan Damjanović, former Director of The Bureau of Prisons at “The Rights of Children of Incarcerated Parents” Expert Panel Meeting, February 2008.

Like children, most of the incarcerated parents find it hard to cope with the difficulties encountered in assuming their parental role while in prison. Regardless of their current prisoner status or the type of offense committed, the prisoners basically wish to be good parents, but many need additional parenting skills training to ensure that their actions and decisions serve the child's well-being. Penitentiary institutions provide support to children of prisoners through work with incarcerated parents, by employing different strategies aimed at prisoner rehabilitation and training that will prepare them for orderly life outside the prison and the return to their families with as few harmful consequences as possible. Maintaining and improving family relationships is therefore an imperative of preparation for release and frequently a central element of prisoner treatment. This specifically applies to prisoners whose family relationships "fractured" for different reasons and whose beliefs, attitudes and personalities determine their actions, causing great pain to their families, especially children.

We particularly want to emphasize the importance of care for babies born while their mother is in prison. International standards, conventions and recommendations treat pregnant women and women with young children as an especially vulnerable category among inmates. Our system entirely complies with these standards. Taking into account that the mother-child relationship is exceptionally important to the child's development, we arrived at a legal solution allowing mothers to keep their infants with them for up to three years, based on several expert opinions of child psychiatrists and psychologists and institutions responsible for child protection. The decision to allow children to live with their mothers in prison is made by the local social service authority, while the correctional facility ensures that equipment, health care services and expert child services are provided within the prison setting and that children are enrolled in a regular preschool program outside the prison.

Despite all the difficulties the prison system is facing, we believe to have highly trained, qualified and experienced staff which, compliant with the Execution of Sentences Act and the Convention of the Rights of the Child, and in accordance with the knowledge of psychology, pedagogy and penology, might considerably contribute to exercising the rights of children of incarcerated parents, in a segment within the competence of correctional facilities and prisons.

*Maja Gabelica Šupljika, M.Sc.**

CHILDREN GROWING UP WITH A PARENT IN PRISON

Psychological Approach and European Experience

Growing up is a process marked by rather common “normal” developmental crises. Great changes in life, especially those which can be categorized as “difficult”, stressful, critical or traumatic events, pose an obstruction to overcoming and surpassing such expected psychosocial crises. Children’s parents being arrested, investigated, tried and imprisoned qualify as such events. These events, besides generating considerable public interest, attracting media coverage and provoking public reactions, usually result in significant changes in the family environment. All of that (simultaneously) affects children and their development in different ways.

Children, when considered in relation to prison, can be divided into three groups. Children belonging to the first group are serving time in juvenile detention facilities (age 16 and older) or juvenile correctional institutions (age 14-16). Children born to a mother in prison, who, according to the Execution of Sentences Act (2003), are allowed to live with their incarcerated mothers until they reach the age of three, constitute the second group. The third and largest group consists of children living outside the prison, either affected by incarceration of one or both parents or having other close family members in prison – grandfathers, grandmothers, brothers, sisters and relatives with whom they share a special bond.

According to the 2007 Report of the Government of the Republic of Croatia, on the last day of December, 2006, no children (persons under the age of 18) were held in the juvenile detention facilities while thirteen minors were held in custody. According to the same Report, at the end of 2006 there were twenty-six children placed in two juvenile correctional facilities. On the same day in 2007 there were three children serving time in a juvenile detention facility and forty-seven children placed in two juvenile correctional facilities. No data are available regarding children in custody. Statistical data for 2008 (taken from the Annual Statistical Report of the Bureau of Prisons) show there were forty-seven children held in juvenile correctional facilities and no children in a juvenile detention facility. For children in custody no data are available. Data provided by the Office of the Children’s

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Ombudsperson show that there were three children living with their mothers in prison over the last two years. The Croatian Government's Report contains no data on these children.

As a source for statistics indicating the number of children facing their parents being penalized for violating the law, the Office of the Children's Ombudsperson used data collected in European countries. In other words, since we did not have access to data on the number of Croatian children with incarcerated parents when we first addressed the subject in 2006, we used indirect indicators extracted from data on the number of prisoners in Croatia, provided in the Report of the Government of the Republic of Croatia 2006 on the situation and performance of penitentiaries, prisons and juvenile correctional institutions, and the European Committee for Children of Imprisoned Parents (EUROCHIPS) Report 2006. It should be pointed out that exact figures are not automatically monitored in European countries as well.

According to 2006 statistics provided by EUROCHIPS, over 700,000 children were separated from an incarcerated parent in 2005 in countries of the European Union. Some 125,000 cases of such (parent-child) separation occurred in Great Britain; school-aged children account for 7 per cent of the total number of children whose parents were incarcerated. Aside from adult men, 33 per cent of incarcerated parents were juvenile offenders, while 61 per cent were women (according to the Report on Social Exclusion 2002, EUROCHIPS, 2006). Regarding female prisoners as a percentage of the entire prison population, Croatia is close to the European average (4 per cent), with women constituting only 4.7 per cent of the prison population⁴ (according to the 2007 Report of the Government of the Republic of Croatia). In Scotland, whose population is similar to Croatia's, 60 per cent of prisoners have children under age 18; 80 per cent of incarcerated women are mothers, while 60 per cent of incarcerated men are fathers.

The Croatian Government's official figures on the national prison population show that, as of December 31, 2006, it consisted of 2,430 sentenced prisoners and 1,150 remand prisoners, while the Croatian prison system held a total of 17,921 prisoners in a broad sense of the term over the entire year. This refers to persons sentenced to prison upon conviction of an offense, persons held in prison on remand, persons sentenced to detention, persons convicted of a misdemeanor and juveniles referred to reformatory. In 2007 the total number of such prisoners was 17,710. On December 31, 2007, there were 2,765⁵ sentenced prisoners and 1,297 remand prisoners. On the basis of data on the single day's prison population made up of over 4,000 sentenced prisoners and remand prisoners and year-round data on a large number of persons who were placed in prison

⁴ Female prisoners as a percentage of total prison population in some countries: Iran – 3.5%, Brazil – 4.3%, Great Britain – 6%, USA – 8.1%, Paraguay – 11.3%.

⁵ The total number of prisoners serving a sentence in 2007 was 6,488 (the Report of the Government of the Republic of Croatia, 2008).

for a certain period of time (long or short), we can assume that there are several thousand children with incarcerated parents in Croatia.

Data used as a basis for the assumption regarding the number of Croatian children separated from their incarcerated parents will be presented in a table also containing relevant data obtained from different European countries⁶ (data provided by EUROCHIPS, 2006).

Country	General population	Prison population	No of children separated from their incarcerated parents	No of children separated from their incarcerated fathers	No of children separated from their incarcerated mothers
Ireland	3.6 mil	3417	4442	4300	142
Croatia	4.5 mil	3580 (Dec. 31, 2006)* 4062 (Dec. 31, 2007)*	4654 5281		
Sweden	9 mil	7332	9531	8902	629
Portugal	10 mil	13147	17091	15895	1196
Holland	16 mil	20075	26097	23800	2297
Spain	40 mil	61163	79512	73389	6123
Italy	57 mil	56530	73489	70035	3454
England/Wales	57 mil	77291	100478	94449	6029
France	58 mil	52908	68780	66235	2545

* These figures refer to sentenced prisoners and remand prisoners.

The table indicates that the total number of prisoners is multiplied by 1.3 to get the number of children of incarcerated parents. Under such a calculation, the number of Croatian children separated from their incarcerated or detained parents exceeds 5,000 at the end of 2007, although the prison system experts estimate that their actual number was lower than that. Children whose siblings or sometimes even parents are held in reformatories and juvenile correctional facilities, and children whose parents have some other legal status (detainees, convicts) were not taken into consideration here.

Regardless of the inability to determine the exact number of such children, in view of the assumption that there were several thousand of them, certain questions were laid before the Office of the Children's Ombudsperson, such as what is Croatian society's level of awareness of the existence of these children; to what extent does society recognize and acknowledge their rights; do Croatian state institutions keep records of the number of such children and their peculiarities and what are we willing to do for them? Considering the incidence of crime in Croatia and recommendations on prolonged prison sentences for a wide array of offences, one can expect an increase in the number of incarcerations and the number of children affected by them, making the answers to these questions even more important and indispensable.

⁶ It was not made clear whether these figures concern prisoners in a narrow sense or in a broad sense, notwithstanding their formal legal status.

Among the basic components of joint European activities in the best interest of this group of children, the following are considered to be the most important (EUROCHIPS, 2006): 1. recognizing the rights of the children of incarcerated parents; 2. keeping records of the number of such children; 3. consciousness that children of prisoners constitute a vulnerable group requiring extra care; 4. awareness that these children need an adequate explanation for parents' absence and 5. recognizing the importance of the initiatives to protect and maintain the relationship between parents and children. A review of publications and materials published by different organizations shows that research on the impact of parental absence due to incarceration on a child is lacking, and so are the scientifically based approaches and child protection models. At the same time, there exist significant obstacles to the realization of their rights and provision of adequate protection.

Not all children experience the incarceration of a parent as trauma, nor do they all respond in the same way to certain potentially traumatic situations when a parent is imprisoned. Support initiatives and good practice have shown to be crucial, helping reduce the harmful effects of parental incarceration for those who do experience the situation as traumatic. In order for us to know what we can do to prevent or reduce the impact of such experiences, however, it is necessary to have an understanding of the possible reactions and consequences and generally of what it means to grow up as a child of an incarcerated parent.

Children of Incarcerated Parents: Who Are They and What's It Like Growing Up with a Parent in Prison?

A child's life is inseparable from the life of his or her parents. It is often made difficult by certain parental choices, decisions and actions. Children of incarcerated parents suffer various forms of discrimination and are placed in a less favorable position than other children because of their family situation and the criminal status of their parents. Their needs are rarely acknowledged and they are not recognized as a group affected by their parents' doings and thus requiring special attention. For example, in the Execution of Sentences Act, children are not explicitly mentioned in the article which defines a "family member", but are instead referred to as "relatives in direct lineage".

Parental incarceration and all the events preceding or following it affect a child in several ways. All these may take quite a long time, forcing the child to participate in a long and arduous process, including arrest, investigation, (pretrial) detention, trial, sentencing, awaiting imprisonment, departing for prison, serving time, release and reintegration to normal living. Many of these stages are regularly covered by the media, but although reporting on events occurring in society and informing the public of these occurrences is justifiable,

it often jeopardizes a child's privacy, exacerbates trauma, and makes it even more difficult for a child to face up to such trying circumstances. Moreover, the process causes different reactions among those in the child's immediate and wider community, which affects child development and the child's current and future relationships with others.

Psychosocial development is a complex process, especially for children whose parents have violated the law. According to Erik Erikson's psychosocial theory of personality, also known as the theory of social development (Pennington, 1997) and the theory of personality development (Fulgosi, 1981), both childhood and adult life are marked by a number of psychological crises. These crises occur in eight stages of social development throughout a lifetime. Child development occurs over 18 years, through five stages and five psychological crises. The way a child overcomes these crises determines the child's attitude to himself/herself and the others, and the child's basic emotions towards others and the world in general. It is the period of the child's pronounced dependence on the parents and the "entire social matrix" (Fulgosi, 1981). Successful or unsuccessful resolution of a particular developmental crisis from the time of the child's birth to age 11 affects feelings of trust or distrust and suspiciousness of others and the world in general; a feeling of independence, competence and self-confidence, or incompetence in goal achievement context; a feeling of responsibility towards himself/herself and initiative, or a feeling of guilt for behaving inappropriately. In the adolescent period, ages 11 to 18, a child undergoes an "identity crisis" which, if resolved positively, leads to a feeling of identity and integrity, laying the foundation for building loyal relationships with others and responsible and dedicated attitudes towards work, as well as expressing beliefs and developing moral values. Unsuccessful resolution of this crisis is manifested in an identity crisis, a lack of dedication to work and values, lack of faith and loyalty towards people and ideas, or criminal behavior.

In addition, at every stage of development, important persons affecting that development are present. Until the age of one, that person is the mother, at ages one to three those persons are parents, at ages three to five the immediate family, at ages five to eleven the family, neighbors and teachers, and at adolescence a child is mostly influenced by teen peers and cliques. The ways in which each of them exerts influence over a child are very individual and unique in child's life. It is indisputable that people who are close to a child or those important in child's life also react to the fact that one of them is in conflict with the law and to what the consequences of this conflict are. Their reactions influence not only positive or negative resolution of the crisis and developmental outcomes, but also personality traits that a child exhibits as he or she passes through childhood. Some families are unable to provide proper care and support for the child; others provide them. In some cases, family members differ significantly in the quality of care provided to children.

A child whose parent was convicted for violating the law experiences feelings of loss and separation during the parent's incarceration. Through experiencing these feelings

and various other reactions to the peculiarity of the family situation, a child becomes a victim of the parent's offense. Such a child often experiences the inability to establish "friendships" with the members of community and society in general, but also the lack of understanding from his or her family. Another significant variable affecting the child's development is the type of offense committed. The cases of one parent murdering the other parent or child's close relative or a friend are especially dramatic and complicated. So are the cases of offenses committed against children, especially those involving violence, abuse and sexual acts or sexual contact. In such cases, it is extremely important to make an assessment of adequate protection for a child and to establish whether a contact with a parent is in the child's best interest.

Notwithstanding these particularly difficult cases, a prisoner does not stop being a parent when incarcerated. In most cases, a prisoner still loves his/her child and, being a responsible parent, wishes to maintain contact with the child. But some prisoners are irresponsible parents who endanger their children while others do not want their children to visit them in prison. A parent's clash with the law, particularly if it involves a serious or violent offense, is often associated with intergenerational transmission of violence within the family. The history of criminal behavior in the family heightens the child's risk of repeated offense. Here the parent's antisocial behavior or behavioral model is one of the variables significantly related to the repeat offenses by juveniles (Marczyk et al., 2003, quoted in Ricijaš, 2006). In addition to this, reports on social exclusion highlight the correlation between a reduction in repeat offenses by ex-convicts and the maintenance of family ties through visits.

Children's responses to the consequences of a parent's clash with the law differ from child to child and depend on several factors: the child's age, environmental response, support of relatives and friends, type of misdeed, sentence length and place of incarceration or offense. They also depend on the child's family situation, a person the child will live with and this person's attitude towards the incarcerated parent. Aside from a possible history of abuse and violence, the experience of friendship and feelings of being recognized and understood by others also affect a child and his or her development under these specific circumstances.

The effects of parental incarceration on a child are manifested in different aspects of the child's life: emotional, cognitive, social, economical, health-related and behavioral.

A Child's Emotional Responses

Parental incarceration causes different emotional responses in a child, such as fear, anger, grief, shame and confusion. It undermines the child's sense of safety and belonging.

The arrest – a parent being taken away by the police, often late at night – and the criminal process after the arrest create a situation that provokes fear in a child who witnesses the event, causing him/her to worry about himself/herself, about the parent who is being taken away and other family members, but also to fear the future and what could happen to him/her and his/her relatives or friends. Anger is one of the emotions directed against the police, the incarceration, the parents and the whole world. Faced with the physical absence of an incarcerated parent, a child experiences feelings of loss and grief. A child misses a close person and the activities they shared (e.g., watching TV or playing soccer). Depending on the type of offense and the responses of family members or the environment, a sense of shame may occur. Family members frequently attempt to hide the truth from a child. But what they believe to be well hidden, a child either knows or suspects and this again increases shame, fear, guilt and other unpleasant emotions.

An organization called Action for Prisoners' Families (2003) pointed out that the most important issue for a prisoner's family is how to tell a child that his or her mother or father has been incarcerated. According to a 2002 survey conducted in Dublin's Mountjoy Prison, nearly two-thirds of incarcerated parents said their children were not aware that they were in prison. Other surveys found that one-third of children with imprisoned parents were lied to with respect to the reasons for incarceration; one-third received no explanation whatsoever; only one third were told the truth (Sack & Seidler, 1978). A child is told what the adults around him/her can cope with. This is understandable. At the beginning, the other parent is too shocked to be able to tell a child the truth, but as time passes, it becomes increasingly difficult to talk about it objectively. Children often learn the truth in the street or at school, which can be a traumatic experience. At the same time, what a child imagines might be much worse than the truth. Children most often know the truth but allow themselves to be deceived so as to please the other parent or family members and avoid adding to the already existing stress. They also wish to protect adults and display their loyalty. A child has the right to accurate information, which is necessary for a child to come to terms with the reality of having a parent in prison. Children need to know that the parental imprisonment is not synonymous with abandonment and that they are still loved. Although providing accurate information does not make things much easier for a child, the truth will help a child humanize the experience, facilitating its integration into the child's life and enabling a child to "cope" with it. This will help reduce the child's confusion and worry for the parent in prison, but also for the parent on the outside. Without knowledge of facts, children may feel guilty and responsible for their family situation and their parents' circumstances. Occasionally, children, especially the older ones, are expected to assume the role and responsibilities of their parents or another family member who has been imprisoned, which is often a very burdening experience.

All these emotions, fear, anger, sadness (of being separated from a parent), confusion,

etc. lead the child to think: “I am worthless; my parent is a low-life.” In what may exacerbate the situation, family members are unable to bestow due attention to a child under such stressful circumstances. In view of all this, a child begins to perceive prison visits as negative or even becomes aggressive because he or she feels unimportant, unloved and abandoned. In cases involving alcohol or drug abuse and domestic violence against the child or the child’s other parent, a child may feel liberated by the parent’s incarceration, feeling that not only him/her but also his/her family members are now safe. In a different situation, a child may perceive parental imprisonment as a solution for ensuring the parent’s safety by believing that a parent is safer in prison than on the outside.

Social Difficulties and Behavioral Changes

Stigmatization, family financial problems, family relocation due to shame and attacks within the community, and health impairment are some of the accompanying social, economic and health problems faced by this group of children. These children often manifest behavioral problems and fall behind in school. Neighbors and others tend to ascribe the criminal responsibility to every member of the offender’s family; they forbid their children from associating with a child of an incarcerated parent; everyone talks about it at school. The incarcerated parent is no longer a provider; a family struggles to pay off loans or pay rent; friends and community fail to provide support. All this can bring change in a child’s life. Such families exhibit higher rates of health-related problems (VIP, 2005), caused partly by the stress and uncertainty associated with the arrest, investigation and loss of income and support. Children suffer from different types of sleep disorders and often have eating disorders.

In some cases, a child’s separation from a primary parental figure (especially a mother) at an early age affects the development (through interruption or absence) of secure attachment, which will have an impact on the child’s future life and relationships with others. Almost one- third of children (30 per cent) with incarcerated parents experience some kind of mental health problems, which is rather high in comparison to the general population (10 per cent) (www.prisonreformtrust.org.uk). These children isolate themselves from others or display different forms of regressive behavior, have problems in school, have trouble concentrating, refuse to do homework assignments and their academic performance worsens. Such problems may be particularly noticeable at the time of investigation, when it is yet uncertain whether a parent is going to be released or not. A child has trouble focusing in class (and on school assignments). Such children often act aggressively; they are either violent towards other children or become victims of violence or rejection; occasionally, they withdraw from other people, even their family members. A parent with whom the child lives finds it difficult to discipline the child and maintain a positive relationship with him/her.

In the area of social functioning and relationships the family faces, once again, a difficult choice of whether to tell the truth about the family in a kindergarten or school or not. A decision to keep the community informed may result in further stigmatization, but may also bring about understanding, help and support of its members. Based on the number of people who contacted the Office and the concerns expressed by parents and children alike, we are convinced that it is necessary to heighten public sensitivity to problems of this particular group of children in schools; and to improve teachers' skills in communication with children of incarcerated parents and with other children who are often not sure how to behave. We are familiar with the example of a little girl who (according to her mother's account), as a first-grade student, introduced herself to the class by saying: "I don't have a father. In fact, I do have a father, but he is in prison. He will come out when I am 32 and I don't want to be asked questions about him." In spite of the fact that the little girl expressed assertiveness and acted "strong" when facing her father's absence, we cannot know how she actually dealt with the feelings of guilt, responsibility and abandonment and feelings of not being loved that she possibly experienced. We also do not know how she would have notified school administrators that she would be absent on account of a visit to her father in prison or how the other children or the teacher would respond to it. We do not even know what effect this visit would have on her.

Why Is a Child's Contact with an Incarcerated Parent Important?

We have already pointed out that being in prison does not mean that one stops being a parent. One still has parental responsibility and is still needed as a parent. Maintaining relationships between incarcerated parents and their children is essential to achieving a balanced childhood and the resolution of developmental crises. The relationships can be maintained by visiting a parent in prison or by some other form of communication, e.g., exchanging letters, photos, audio and video tapes or phone calls. According to Scotland's Commissioner for Children and Young People 2007 Report on the Rights and Status of the Children of Prisoners (www.sccyp.org.uk), 4,313 visits were registered in Scottish prisons over seven days; 7,906 visitors were adults and 1,460 were children. Children accounted for 15.6 per cent of the total number of visitors. Data from 2008, requested by the Croatian Children's Ombudsperson from the Bureau of Prisons, shows that a total of 1,456 underage children visited their parents in prison over three months (from April to July).

There are multiple advantages and positive consequences of parent-child contact during incarceration, especially when planned and carried out under the appropriate conditions. Besides children, they affect children's caregivers, imprisoned parents, the prison as an institution, the prison personnel and the community as a whole (VIP, 2005).

A visit is important to a child primarily because the child wants to make sure that his/her parent is alive and doing well. Visiting a parent in prison gives a child the opportunity to fulfill the need for closeness and contact with a parent and for love and esteem. Child-friendly visiting rooms and an amicable atmosphere help reduce the child's fear and confusion; children feel appreciated instead of feeling like others treat them as criminals. It allows affected children to feel equal to other children and to feel that their whole life has not been reduced to the fact that a person closest to them is in prison. It is expected that allowing parents to fulfill their roles; maintaining parent-child relationships; and shared activities in spite of a parent's incarceration will all contribute to reducing behavioral problems, poor school performance and emotional and social difficulties. The caregivers – the other parent, a grandmother or grandfather, a foster parent or a youth counselor – who bring the children to the prison, can also use this opportunity to exchange information with the child's parent, to try to sort out some problems or come to terms more easily with the consequences of the parent's incarceration.

If given the opportunity to be good parents despite their incarceration, prisoners are re-socialized with greater success, they begin to realize the meaning of responsibility, they feel more satisfied and happier, and their mental health is better. Penological psychology research generally deals with inmate behavior, with their adjustment to prison life and their responses to penological treatment. A new trend, however, is now focusing on another area: contact between prisoners and their families. Findings have demonstrated that the absence of family or friends poses a major obstacle to prisoners' attempts to face stressful events inside the prison, according to a stressor scale consisting of twelve potentially stressful items (Mejovšek, 2002). Lack of positive relationships with persons outside the prison is one of the factors leading to the so-called "prisonization", a process of accepting the customs and norms of prison society, negative behavioral patterns (which are actually a way of adaptation and identification with the role of criminal) and the adoption of customs, norms, moral values and generally culture of prison (Mejovšek, 2002). The level of prisonization is correlated with the success or failure of post-release reintegration into society: the higher the level of prisonization, the less successful the reintegration, which will have an adverse effect on a child and functioning of the family.

Through prisoners' contacts with family members, prison as a social institution and the prison personnel could be constructively directed towards family during visiting hours. "Quality" visits are beneficial to the personnel, as well. Prisoners who have an opportunity to show care and concern for children (UN, 2005) will be perceived differently by the personnel. If the prison visitation program provides activities designed for children, they will not be aimlessly wandering around the visiting room or running all over the place or sitting either next to their parents or on their parents' laps, with a lost, confused and sad expression on their face. This way, order will be easily maintained in the visiting room,

visits will be less strenuous for the personnel and prisoners alike, and everything will be taking place in a better psychosocial climate. In a more stable prison environment, prisoners will be less inclined to create disturbances; there will be more useful and purposeful activities and the risk of suicide attempts will be lower. Prison visits are essential to good public relations, diminishing other negative effects and thus improving public perception of the prison system (VIP, 2005).

Just the same, maintaining contact and visits may bring along a host of problems for a child. A child's visit to a parent in prison is quite demanding in itself, both for the child and the person accompanying him. One needs to adapt to the prison visits schedule. Not only are children missing classes and other activities, but they often have to invent excuses explaining their absence from school or simply skips school, in an attempt to avoid awkward reactions that might be triggered if the child told the truth. A child travels longer or shorter distances to prison, eating habits change. They often walk to prison in very hot or very cold weather, experience fatigue, hunger and thirst. Upon arrival, a child has to wait to be processed to visit, often in an environment unsuitable for children, in rain and cold and a crowd of other visitors. The prison officers' uniform, repulsive furniture, noise, dreariness, security requirements and security screening are intimidating to a child.

A child wants to know what kind of place prison is, what he/she can expect of it, whom he/she will meet inside the prison, how the adults will treat him/her and what kind of security screening he/she will have to undergo (Action for Prisoners' Families, 2003). A child is worried about how his/her parent would behave when they meet. Film portrayals and other people's accounts of prison life often not only do nothing to help, but may intensify the child's anxiety and concern about what the parent would say and how he/she would behave towards the child. Such portrayals often create an idealized image of prison visits, which may arouse unrealizable expectations. Children often complain that they are uncomfortable with the lack of privacy during visits and lack of information on the visits procedure (e.g., how the security screening process is performed) (www.ormiston.org).

Prison visits carry with them numerous other specific problems and challenges. As in the regular family setting, in prison, too, the adults sometimes want to have a private conversation concerning matters that children are not supposed to hear about. Hence the adults speak "in code" and this makes children confused or exposed to contents which may cause them stress. In such situations, children of all ages need a place they can withdraw to and direct their attention to more suitable contents. Besides, for children there is not much difference between visiting someone in prison or in hospital; they get bored, hope it will soon be over and just want to go home. Yet the end of a visit may be a difficult and sorrowful moment for both the child and the adult. One needs to be prepared for such situation.

Contact between incarcerated parents and children represents a link between two worlds: the one within prison boundaries and the one outside the prison. It is therefore important to improve these contacts and relationships as they are a nucleus around which to organize the processes of resocialization and adjustment to life after release. They ultimately represent a pledge for a better future for a prisoner's child, but also for the entire family and community.

European Standards

European experiences can be discussed from the perspective of legislation and practice, but also by answering the following question: Is the Convention on the Rights of the Child being applied for children of incarcerated parents? A review of materials published by several associations, the Council of Europe's recommendations and reports and guidelines of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment, have indicated that not even within the EU have the authorities in the judicial system entirely detached themselves from the rights of prisoners and given priority to the rights of the child. A lack of funding and skilled personnel and the overcrowded state of prisons are arguments frequently used for not engaging in a study of children of incarcerated parents and as an excuse for not recognizing the importance of these children's contact with their parents. Prison personnel are not made aware of the rights of these children and refuse to discuss the importance of such contact, convinced that there are other priorities. This often makes the experience of visiting someone in prison stressful and unpleasant for a child. At the same time, there exist numerous examples of good practice illustrating high standards in the realization of child's rights as related to their parent's incarceration. In many countries there is a high level of awareness of the existence of this group of children and their rights are recognized and acknowledged. Certain systems work with data on the number of such children and their special issues and needs; different initiatives and activities are undertaken to help them.

Childcare programs for children of incarcerated parents began to develop in Europe during the 1980s, mainly through the adaptation of visitation spaces, parts of which were turned into playrooms. Today, the program is mostly supported through donations, volunteering and good cooperation between civil society and the correctional services. The program is carried out through projects whose goal is to limit the harm and the periods of the child's separation from the parent. In 2001, several European countries joined together to form EUROCHIPS (the European Committee for Children of Imprisoned Parents), a European network of organizations whose activities are directed towards the rights of children of incarcerated parents, often inmates of maximum security prisons (www.eurochips.org). Reports on examples of good practice are, for the most part, provi-

ded by civil society associations and organizations. We will list here examples and practical experiences of some European countries, Australia and the USA.

An organization in Great Britain called KIDS VIP (Visiting in Prison), now operating as a division of the Prison Advice and Care Trust (PACT), reports on good practices and possible models for improving contact between children and incarcerated parents. KIDS VIP emphasizes the importance of creating conditions for child-centered visits, as differentiated from family visits during which a spouse is usually the center of attention. This model enables a parent – through play, shared activities (helping a child with homework, going through family photos) and generally some quality time with a child – to stay in touch with the child’s development and to take part in creating shared experience and positive memories. In this, a parent demonstrates responsibility and care for a child. All this helps improve relations between correctional facility personnel and inmates (the personnel starts to view the inmate as a parent while the prisoner observes that prison shows consideration for the family). In practice, a selection of child-friendly leaflets and posters is available, explaining the visitation process, the approximate wait time, the conditions in which visitors must wait to be processed to visit and the security screening process. There are differences in length and type of visits. A child may spend some time alone with the prisoner or engage in an activity involving the prisoner, the other parent or the guardian. Members of the extended family or other children (e.g., partner’s children or nephews) may be present. An authorized person (social worker or foster parent) is often involved in a parent-child interaction. The prisoners and their children may also indulge in joint activities related to holiday celebrations, storytelling, sports, social games and children’s art exhibitions (KIDS VIP, 2005).

A program entitled “Every Child Matters” has been carried out since 2004 by an organization called Action for Prisoners’ Families. The program emphasizes the necessity of providing psychological help for children and the importance of efforts to make children visible through data collection, the integration of their rights into legislation, political decisions and practice, pleading to courts to take them into consideration when sentencing and taking into account their perspective and perception gained through child-friendly information (www.prisonersfamilies.org.uk).

Since 1998, an Italian association called Bambinisenzasbarre (Milan) has been supporting maintaining parent-child relationships during incarceration by initiating educational programs and psychological aid projects for children and their parents, establishing a network of institutions focused on supporting healthy family relationships, and participating in European Commission projects dealing with prisoner parents and family ties. Its members participate in the planning of children’s play areas within prison visiting rooms; attend special events for children and families; volunteer to escort children to visit their

parents in prison; provide parental counseling for incarcerated parents (and their spouses); offer their services as psychologists, social workers and institution representatives; provide individual and group counseling, and organize educational events. They provide support to everyone involved and aim to build a network of national bodies and institutions with the same mission (www.bambinisenzasbarre.org).

In her report dated February 7, 2008, Scotland's Commissioner for Children and Young People (SCCYP) argues that there are 13,500 innocent but invisible and inaudible Scottish children of imprisoned parents ("Not seen, not heard, not guilty."). Her recommendation was that children's rights should be taken into account when a court decides what sentence to impose; that different systems should give more support to children of prisoners; that prison rules should be consistent with children's rights; that children's rights should be taken into account when decisions are made about releasing or tagging the parent; and that children's views and perceptions should be considered. "Children of prisoners are all but invisible in the eyes of the law – they truly are the forgotten victims of crime. Their voices are silenced by shame and stigma..." A special helpline for children of imprisoned parents was introduced in Scotland (www.sccyp.org.uk).

Certain hotels in Israel regularly accommodate children who have come to town to visit a parent in prison, and their escorts. The children are escorted by student volunteers who can also provide support to children coming from families who have a member in prison. Similar practice was established in France and the Netherlands. In a Critique on the European Prison Rules (February, 2006), the Quaker Council for European Affairs argues that details of the number of children of incarcerated parents, their age range and current residence should be provided before the child visits prison for the first time, which is not the case at the moment. This renders social services planning impossible and threatens children's safety (www.quaker.org). In a discussion held by the UN Committee on the Rights of the Child (September, 2005) on children without proper parental care and international standards for protection and alternative care of children outside of parental care, the Quaker United Nations Office (QUNO) called for the integration of guidelines showing how parents' imprisonment deprives children of proper parental care, and why the awareness of the need to maintain contact between a child and his/her parent is so important (www.quno.org).

Defense for Children International Australia cautioned that, in addition to satisfying safety requirements, our main interest in relation to prisoners' contact with the outside world is directed towards the well-being of children; children are more likely to suffer harm from feeling isolated from and abandoned by their incarcerated parent than from seeing their parent in a prison environment (www.dci-au.org). In 2001, Mississippi State University (USA) initiated a study on children of imprisoned parents because of the lack of data

on 5,000 children who had at least one parent in prison. The project involves the development of parenting education programs aimed at eliminating family violence and aggressive behavior. The program makes provisions for subsidized transportation for families visiting inmates and training for prison officers on the needs of children and families (www.msstate.edu).

Children's participation is often underestimated, but also difficult to incite due to their distrust of the system and environment and their isolation (Wolleswinkel, 2002). Many children feel as if they were the only ones whose family had found itself in such a situation and are unable to talk about it to anyone outside the family. On the other hand, relationships between prisoners and their families are sometimes mistakenly idealized. Prisoners and their children should discuss their situation in a real-life context, emphasizes Action for Prisoners' Families (2003). Their Young People's Project (YPP) supporting young people with a family member in prison and "No-One's Ever Asked Me: young people with a prisoner in the family – life in shadow" media campaign (case study) comprised children between 12 and 18 years of age. Children claimed that they would like to be able to obtain information through different media: books, stories, network pages and forums on topics related to the prison system, helplines and other prison-related topics. They believe that their mothers need support. They contemplate family day trips and weekends, inquire about support groups and family visitation rooms. The children gave their account of the changes in the way they are treated by teachers, social workers and coaches and complained about being mistreated by the police and prison officers. They spoke of the lack of trust and expressed desire to talk to someone outside of the prison system and family. The related literature makes reference to a "person of trust" who, as a mediator between a child and the primary caregiver, provides information, knows children's needs and specific personality traits and explains prison rules.

Apparently, this group of young people has become the main focus of concern of several specialized agencies, associations, people's groups, experts and volunteers in Europe and the rest of the world. In addition, there are numerous associations and organizations offering counseling and education and collaborating with the Bureau of Prisons, whose primary consideration is how to change the concept of inmate visiting to make it both "child friendly" and "family friendly". They hold regular meetings; form clear agreements and determine competencies; their management board designs and outlines the framework of events and the external activists conduct particular activities.

Generally speaking, practice in many European countries contributes to encouraging the maintenance of relationships between children and their incarcerated parents and raising the prison personnel's awareness of the effects of imprisonment on children of prisoners and the importance of maintaining family ties for prisoner rehabilitation. Good practice

with respect to children's play areas in prison visiting rooms and the provision of various activities for children when visiting their parent in prison is promoted. They organize training and provide support for prison officers in training to motivate them to engage, collaborate and communicate with children of prisoners. They engage prison personnel and volunteers in efforts to equip the visitation room with toys and games, comfortable furniture and other items to enhance visits between children and their parents. They encourage and urge the prison system authorities to develop a special visitation program for children and families. They establish collaboration between the correctional system and civil society associations. They make sure that the public, especially children, is well informed of the importance of maintaining contact between children and their parents and the ways to do it. They launch network pages providing answers to many questions, and help children cope with ambivalent emotions. They ensure that we never overlook the importance of children's views, attitudes and participation in the issues that concern them, and being separated from a parent due to imprisonment is certainly one of them. They provide help to families through preparation, support, escort and subsidized transport. Visits are monitored to ensure intervention in case a child or parent needs help. Trained individuals help children integrate their experiences – after visiting a prisoner – and return to their everyday lives.

What Is the Situation in Croatia?

Since no one in Croatia, according to our knowledge, has addressed this subject so far, to describe the status of children of incarcerated parents, we will use data provided by the Office of the Children's Ombudsperson for 2006 and 2007. Over these two years, there were forty-six individual cases reported to and considered by the Office. Data for 2007 shows that the reports were individually submitted, either by parents serving a prison sentence or being held on remand (fathers in ten cases and mothers in five), or mothers (five cases) with whom the child lived. Three reports were filed by children while the remaining ten reports were filed by others (a father with whom the child lived, a grandmother, an uncle, a foster parent, a solicitor, a parliamentary representative, elementary school officials, Caritas and an association). Offenses committed by parents ranged from domestic violence, abuse and neglect, to sex crimes, murder, war crimes and property crimes. Besides handling individual complaints, the Office initiated a set of common activities, the majority of which were related to the inspection of correctional institutions and establishing rapport with the Bureau of Prisons. Some activities were prompted by media coverage.

Most of the complaints referring to children of incarcerated parents, submitted to the Office of the Children's Ombudsperson over these two years, were related to situations

in which contact with a child was prevented or impeded. Imprisoned parents (mothers and fathers alike) complained of children having to travel long distances, transportation costs, escort shortages, a child or his/her caregiver refusing contact, a child moving to an unknown address, missing contact orders, insufficient contacts and a short duration of contact. According to their complaints, quality contacts were impeded by the inmate's refusal to see his/her own child, the inmate's conflict with the child's guardian, financial difficulties, administrative obstacles, the lack of child-friendly environment, long waiting periods to see a child, inadequate waiting conditions, inappropriate search of a child and family conflicts. They also advised that visitation rooms are spatially and socially inappropriate, that foster parents and social workers are reluctant to escort children to see their parents in prison, that contacts with children are related to inmate privileges, that school officials exhibit zero tolerance towards children of incarcerated parents and that media coverage threatens children's privacy. Some complaints referred to parents' pleading for their early release from prison on the grounds of caring for their children; their concern that a person with whom the child currently lives is unable to provide proper care or even jeopardizes the child; non-support of a child; obscurity of the procedure for claiming the child's allowance; inadequate housing and economic problem and mishandling of the child's property.

The Office acted on cases in which a parent was incarcerated on a misdemeanor charge of domestic violence and the child exhibited behavioral problems or acted aggressively, so that the court imposed a ban on any form of contact between a parent and a child; they also dealt with a case in which one parent had been killed by the other and the case of an attempt to commit such murder. Furthermore, we acted on the case of a child whose parents were both held in prison on remand and could not reach agreement on to whose care their child should be committed. In addition, we observed that there are cases in which a child was left without parental care and provisions should be made for urgent placement in substitute care; in such cases, a temporary decision is made by a social welfare center until the court proceedings are initiated and a decision is reached about custodial placement of the child. It was observed that a speedy conduct of proceedings is in the child's best interest, although this is rarely the case; in the meantime, a child should receive intense psychological support.

The Office has received several queries from kindergarten and elementary school counselors on the children's right to information about the parent's status. In some cases, the employees of educational institutions and other parents are familiar with the fact that a child's parent has been imprisoned, but the parent (or a grandmother and a grandfather) with whom the child lives refuses to disclose this fact to a child and as a reason for parental absence often offers a hospital stay, a business trip or vacation, constantly fearing the child's questions. In all that, children exhibit inappropriate behavior or emotional

difficulties. We supported psychologists and other professionals in their decision to advise family members, depending on the child's age and his/her past experience, to tell the child the truth about their parent's incarceration and help him/her come to terms with this fact. In a case reported by a child who expressed fear of his/her father scheduled to be released from prison soon, the Office came into contact with the police, which immediately undertook measures to ensure the child's safety and gave instructions to a child and his/her family.

Many of the complaints filed to the Office were related to violation of children's rights by media coverage of their parent's offense or the ensuing court proceedings, during which a parent was held in prison on remand. The media's treatment of children whose parents have committed an offense or other unlawful act is a weighty subject because it may harm the child in several ways. The broadcast of crime reenactment, during which the details of the case and the real name of the perpetrator and his/her victim are revealed, may additionally traumatize and victimize the child, expose him to public scorn and critique and evoke a variety of unpleasant emotional responses in a child. Keeping a child's name a secret may not be enough to hide his/her true identity. The issue here is not simply the invasion of the child's privacy, but the public portrayal of the child's life and the tragic circumstances under which he/she is growing up. The parents alone are often to be blamed for exposing their child to media during their arrest, court proceedings or imprisonment.

When we first began pursuing this subject, we realized, having inspected several prisons and penitentiaries in 2006 (the Report on the Work of the Children's Ombudsperson in 2006, 2007), that spatial conditions in which the visitation takes place are inadequate, dehumanized and child unfriendly, but also that prison officers and prison service staff in general have not been sensitized to the needs of children of incarcerated parents. We made recommendations to prison managers for simple, inexpensive and realistic improvements that could be done in the visitation area, which were for the most part immediately accepted and implemented. Prison managers reported positive feedback to minor changes in the room design; inmates expressed satisfaction over the modifications, and prison officers claimed that the visitation room offered a more pleasant atmosphere enabling richer and more diverse communication between children and their parents. At the same time, parents and prison officers found it much easier to watch over and discipline children during visits. The fact that prisoners derive great pleasure in taking drawings, which their children made during a visit, back to their rooms, is also rather indicative.

The circumstances may not always permit a separate room within the visitation center to be designated as contact visiting areas for use by inmates and their children, but in such given conditions, a certain area is furnished with children's furniture, social games, drawing sets and children's magazines. The room furnishing is done in consultancy with

kindergarten staff who help design and decorate the children's area. In addition to a recommendation on handling of specific complaints, the Ombudsperson referred a few more recommendations to the Bureau of Prisons and prison managers on establishing adequate conditions facilitating contact between children and their incarcerated parents – unless it affects the child's welfare – and emphasized the importance of maintaining such contact.

The Human Development Report 2006, under the auspices of UNDP (UNDP, 2006), suggested that maintaining family ties and contact with the outside world is considered crucial during incarceration, but that the remoteness of correctional facilities from the communities of the prisoner's family is often an obstacle to exercising the right to family life. The Report concluded that Croatian nongovernmental organizations fail to offer programs designed for children of incarcerated parents, considering there are generally few nongovernmental organizations offering programs suitable for the prison population.

In an attempt to address this problem from different perspectives and to draw the attention of the public and professionals to the fact that there are several thousand such children, in February, 2008 the Children's Ombudsperson arranged a public debate on the subject entitled "The Rights of Children of Incarcerated Parents". It was an opportunity to inform the public on European standards and possible models for encouraging and maintaining contact between children and their imprisoned parents, and the presented papers are gathered in these proceedings.

Is There Anything Else That We Can Do?

The knowledge of the potential impact of parents' clash with the law and the possible ways to reduce it, should be, in addition to determining the child's best interest, a starting point for any decision which is made to ease the lives of children growing up with a parent in prison. This requires accurate data and scientific research that will provide explanations of relationships between individual variables of the parent's incarceration and child's functioning, his/her immediate responses and long-term consequences. It is just as important to be familiar with the positive practice and achievements of others, which might be implemented in Croatia. What we currently know is that contact between a child and his/her parent in prison is essential to maintaining their relationship and that this contact is associated with a decrease in the intergenerational transmission of violence and criminality.

Many countries have recognized the importance of children's views, their expression of attitudes and needs, and their involvement in the issues that concern them, especially when it comes to children who have been separated from their incarcerated parent. Des-

pite the fact that the most significant changes, according to our observations, may be seen in material and staff-related conditions, and that they constitute a precondition for even greater changes, decidedly more important is for a child to “experience” a system that demonstrates a positive attitude towards children, recognizes the meaning and benefits of the child’s visit to prison and prioritizes children in correctional settings. Consequently, aside from minor changes which may improve the quality of children’s visits to prison and may be effected on prison premises, more important are the ones that need to be made outside the prison building and that concern people, trained professionals, systems, organizations, bodies and finally the State. In the process we should be guided by the child’s best interest; we should attempt to reduce and diminish the damage resulting from their parents’ violation of the law and help a child overcome an unpleasant experience and deal with the harmful consequences.

The child’s best interest should be considered from a child development perspective, because a child is immature in different areas of its development and dependent on adults. Understanding this perspective will make it easier for us to answer the question whether a child is being appropriately treated by his/her parents, the State and the others (Wolleswinkel, 2002). We may distinguish between three main kinds of child’s interests: basic, developmental and autonomy interest (Eekelaar, 1992). Basic interest refers to physical, emotional and cognitive care. Developmental interest indicates a child’s ability to avoid disabling crises and obstacles while approaching adulthood; and autonomy interest refers to a freedom to choose his/her lifestyle. The best interest of the child implies the ability to satisfy basic developmental needs which correspond to specific groups of child’s rights (Žižak & Vizek Vidović, 2004). In Croatia, the awareness of the importance of children’s specific needs resulting from the fact that one of both their parents are imprisoned has yet to be raised.

According to the UN Prison Service Training Manuals, a parent-child contact holds emotional significance for prison officers, the prisoner and the family, and maintaining family ties through visits is especially important to young prisoners (UN, 2005 & 2005a). Hence, the conditions in which the visits take place should be improved by designating a space within the prison facility for a child-friendly visitation or waiting area. Visits should be improved so as to enable children to see where their parents dwell; they should be supervised and permitted as soon as possible after detention proceedings. Communication between a child and his/her parent in prison may be improved by the introduction of prepaid calling cards or other technologies enabling them to overcome physical separation, especially if a parent is detained in a foreign country; also, a child’s travel expenses should be reimbursed whenever possible. During visits, children and parents should be allowed some privacy. The visitors are not criminals and ought not to be treated as ones, whether in the process of screening or during visits. Prisoners and visitors alike may be

stricken by anxiety prior to the visit and, therefore, it might be advisable that a member of the prison staff be at disposal to either of them if they wanted to talk about these feelings. Visits could be made less stressful if they took place in an amiable environment, similar to the environment outside the prison walls. What is important is that a child and a parent are able to touch one another and that parents are permitted to hold young children in their arms or on their laps.

Although imprisoned, a parent still holds parental responsibility; it is, therefore, necessary to carry out rehabilitation programs which enhance parenting knowledge and skills and parental responsibilities. In order to facilitate the ex-prisoner's return to family life, we must encourage contacts between a child, his/her parent and a current caregiver; provide counseling for the prisoner's family or a partner on how to prepare a child for the parents' release and how to enable a child to spend some time with his/her parent and caregiver before the release. There exist various models for arranging and maintaining children's contact with their imprisoned parents. In some countries, the emphasis is laid on placing children in foster homes in the vicinity of the prison, in others on establishing children's services, support centers, and play areas in prison facilities. In certain countries, there are prison coordinators who are primarily preoccupied with children's contacts with their mothers and fathers in prison. In other countries, volunteers are mobilized and engaged, while the programs are supervised by outside professionals. This implies the involvement of the judicial system, the social welfare system, nongovernmental organizations that run psychosocial treatment programs for inmates as well as the child and family support programs, and volunteers and youth groups which offer help to children of prisoners.

Finally, it is impossible to state a conclusion which would be applicable to all children. Children who only have in common the fact that they have a parent in prison are very different among themselves and so are their relationships with parents and the circumstances in which they grow up. However, the same rule applies to them all: how the visitation room is designed and how the visit is planned is less important than the positive attitude towards children of incarcerated parents. They should not be considered a "complication" or yet another group of children for which we have neither strength nor time because we are understaffed, we have too many prisoners or we are in bad financial standing; instead, they should be observed with a lot more care, interest and respect.

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SUPPORTING CHILDREN WITH A PARENT IN PRISON

*I used to write poetry
But haven't lately
Who would I show it to...?
About him in prison
About shame, About waiting
About loving someone
Anyway*

*Anonymous****

Children who have one or more parents in prison are traumatized by the separation from their parents, confused by the parent's actions and stigmatized and shamed by their parents' illegal activities. Though the implications of this situation are seemingly clear, some of its other peculiarities may put an additional strain on a child. In other words, children are susceptible to other stressors accompanying the situation they found themselves in: financial difficulties, a change of caregiver, potential separation from their siblings and other forms of disruption of parental relationships.

In a survey of children's responses to parental incarceration, Wright and Seymour (2000) highlight the most common ones: children's identification with the imprisoned parent, a change in future orientation, intrusive thoughts related to parents, the concern over the outcome of their parent's case, the concern about life without a parent and the uncertainty of the future, intrusive images of their parent's arrest, shame, anger, anxiety, sadness, guilt, low self-esteem, loneliness, depression, eating problems and sleep disruption, regressive behavior and difficulties in maintaining concentration and, finally, problems in school and social behavior problems. In addition to these immediate responses, most

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*** An anonymous author: quote taken from the book *Loving Through Bars* (2005) by C. Marton, Santa Monica Press, page 15

children of incarcerated parents experience a number of negative consequences in their later development. These consequences may be observed in their emotional states and adjustment, the relationship with their parents, their physical health and problems in exercising their custodial rights. How the parent's incarceration will affect the child's mental state depends on several factors: the child's age at which the separation from a parent occurred, health conditions of family members, caregivers' family relationships, the stability of the parent-child relationship, former experiences of separation, the type of offense committed by a parent, support availability and the level of stigmatization in the community associated with the offense committed by the parent (Seymour and Hairston, 2001).

Amidst considerations of conditions in which the contact between the child and his/her incarcerated parent will take place – although it is not easy to give a unique solution applicable to all children and all families – the currently prevailing attitude is that most children derive multiple benefits from maintaining contact with a parent in prison. The potential benefit depends primarily on the kind of support the child receives, whether it is related to maintaining communication with a parent in prison (writing letters, pre-visit preparations, etc.) or to the clarification of the child's situation and its acceptance.

This article will not discuss the support provided to children whose parents were imprisoned for having committed an offense against their own children. Since such cases usually involve some form of parental abuse or neglect, seeing a parent who is the source of trauma is not recommendable, or may be recommended in special circumstances and only after an expert evaluation of children, their parents and their environment. In these cases the child and its non-abusive parent/caregiver require expert care, whereas the support to an abused and neglected child is directed towards helping the child cope with traumatic experience and integrating this experience into his/her everyday life. The provision of support to the abused child and the child's recovery are crucial in such cases, while the contact with the abusive parent may additionally traumatize the child and interfere with treatment that the child is undergoing.

However, there are a number of other causes that may result in the detention, arrest and sentencing of a person who is also a parent and under such circumstances special consideration should be given to supporting their children. Providing support to children of incarcerated parents is of decisive importance. Children and youth may experience trauma if they are exposed to frightening situations which are hard to predict or control. In the majority of such situations, parents may be able to help their children reestablish feelings of safety and control. If at the moment when a traumatic event occurs a child has a supportive caregiver by his/her side, the child's responses will depend on the responses of the caregiver. But then again, if a stressor or a traumatic event is intense, or a source of trauma is the parent himself/herself, children will have difficulties in controlling

their emotional reaction. This may create problems for a child trying to cope with his/her experience of anxiety and anger and feelings of helplessness.

Therefore, if a child is exposed to an unexpected traumatic event and if the caregiver is unable to take upon himself/herself the task of modulating the child's emotional experience, caused by the child's exposure to disrupted family dynamics or violence, a child is unable to adequately organize and understand that experience. Unlike the adults, children have no other options of self-defense; they depend on a caregiver/an adult. Furthermore, children organize their behavior to survive in given circumstances, which may provoke rejection and disapproval in unsympathetic adults in child's environment (Van der Kolk, 2005). Traumatic experiences caused by exposure to difficult family events carry consequences that will affect child's overall development.

Many children who experience parental arrest have been previously exposed to other traumatic family experiences so that such an event is often not isolated or the first of the kind. Parental incarceration marks the beginning of the period of uncertainty in a child's life and the family crisis in general. This is not an unequivocal or isolated event but rather a sequence of stressful events, each of which could mean a new crisis for children and families. This sequence of events mostly refers to:

- Parental arrest
- Proceedings immediately following arrest
- Ensuring care for children while parents are incarcerated
- Change of residence and other circumstances in children's lives (e.g. placement in a foster home or child care institution, a change in family structure, a change in relationships between parents as a couple, a parental divorce etc.)
- Visiting a parent in prison
- Moving back to a family home after parents' release

The parent's arrest and the period of time immediately after arrest are especially important to a child. A child watching his/her parents being forcefully taken away, observes parents' agitation, confusion, fear and shame. It is important to understand that, regardless of the parent's misdeed, a child needs to see the parent as a person who provides love and guidance. By being exposed to such an event a child experiences strong emotions of helplessness, anger and/or sadness. If the child has not witnessed the arrest but finds out from others that his/her parent has been arrested and that parent's return is uncertain, the event may still be stressful to a child as it develops an inner perception of the event. If the incident has not been properly explained to a child, the experience of abandonment and permanent separation may be even more painful for a child than the event itself (Wright and Seymour, 2000). Moreover, after the parent's arrest, a child needs to be placed into

care, which implies a sudden and often inappropriate separation from parents. Even if a child is allowed to stay in his or her own home after the parent has been escorted away by the police, at that moment a number of questions come to the child's mind; these questions require answers, and the adults, whether members of family, police officers or professionals, should provide them. All of these may also apply to situations in which a child is not present (if a child is not living with his/her birth parents or is at that moment at school or some other place). During this period of time, immediately following arrest, adults have to explain to the child what has transpired.

Adalist-Estrin (2003) sets forth four main questions that children ask or want to ask their incarcerated parents:

- Where are you?
- Why are you there?
- When are you coming home?
- Are you okay?

The aforementioned author also sets forth two questions that children rarely ask, also known as “behind the scenes” questions. These questions may be expressed in different ways: openly and directly or indirectly – by defying parents, withdrawing or acting aggressively. It is important to recognize these questions as acted out through children's behavior or affecting their emotions; the questions read as follows: *Do you blame me?* and *Do you love me?* It might be advisable that all adults in the child's surroundings, including incarcerated parents, family members/caregivers and other adults, prepare themselves to have a conversation with the child on this subject. Adults often openly admit to how uncomfortable they are having this conversation with children or being unsure of how to explain the situation so as to make children understand. In addition, adults in a child's environment are uncertain about the right person to answer these questions. If the circumstances allow it, the best person to answer these questions would be the one to whom the questions were addressed, i.e., the incarcerated parent. However, children often direct these questions to a parent/caregiver with whom they live and then this person has to answer them. In both cases a child will respond well if the questions are answered clearly, honestly and openly (Adalist-Estrin, 2003).

The *Where are you?* Question

The answers to this question proffered to children are often untrue. Adults come up with answers which children might find satisfying at first; they are told that his/her parent had to go away on a trip or to school, that a parent got a job in another town, joined the army or was admitted to hospital. Although these answers may initially satisfy children,

such explanations, apart from being untrue, have potentially negative implications: children grow more worried about their parents, they fear for parent's life, assume that his/her parent has died, etc. Eventually children learn the truth in even more painful and inappropriate way – from others, when visiting a parent in prison, through an accidental phone call or via the media, from a letter addressed to someone else or in some other unpredictable way. Afterwards, they realize that they have been misled by adults and become distrustful of their parents. But having learned the truth, the child, same as his/her family, feels the need to keep this secret hidden from the rest of the community. This is, naturally, a decision that each family has to make for itself. However, it is important, depending on his/her current emotional state and the caregiver's estimation of a child's mental capacity, to allow a child to make his/her own decision whether to tell a person of trust (an adult or a peer) the truth about his/her parent or not.

The *Why are you there?* Question

Children need to be provided a clear explanation, especially before they visit a parent in prison for the first time. Depending on their age, children are able to understand that certain behaviors may bring consequences or even punishment if the rules are violated. Older children express a keen interest in finding out more details about the event, while younger children require only a simple description of the event. The truth is always easier to bear as compared to what a child might imagine. The same applies to situations when a parent is being detained in prison although his/her guilt has not been proven. This is an additional source of frustration for parents, children and families alike. A discussion over these events may set off unpleasant emotions in children (anger, sadness or the feeling of abandonment). A parent should be encouraged to initiate a conversation that may sometimes initially result in a child's rejection. It is, therefore, important to provide support for a parent before such a conversation takes place. Disagreements often arise between the incarcerated parent and other caregivers (with whom the child lives) on the way to communicate to a child. For this reason, it is important that, whenever possible, a child receives information directly from the imprisoned parent. On the other hand, it is also important to prepare the parent for child's immediate responses to facts that he/she is about to find out – unpleasant emotions, rejection, uncontrollable behavior, etc.

The *When are you coming home?* Question

Parents often feel the urge to provide an answer to this question that would at the same time reassure the child and protect him/her from child's reactions. Children, on the other hand, tend to respond well to uncertainty if they receive an honest answer, even if that answer is "I don't know." If children are provided with a specific answer, it must be

developmentally appropriate, i.e., younger children require explanations which they will be able to understand (e.g., “when you graduate from fourth grade”, “after you will have had two summer vacations,” etc.). One should also explain the child where the parent will go when he/she returns, as it may not necessarily be “home”, as the child imagines. Children often imagine and idealize family reunions. Answering their questions honestly may help reduce their agitation caused by the realization that their fantasies have little to do with the actual family situation.

The *Are you okay?* Question

A child should definitely not be told about the situation in prison as this may cause further agitation in a child and have an overwhelming effect on him/her, but one should make it clear that prison is not a very pleasant place. As suggested by Adalist-Estrin (2003), a balance between the truth and the articulation of hardships caused by parent-child separation may lie in the answer: “I am not okay in here, but I can certainly handle it” or “I am okay in some ways. ... But I am not okay because prison is not a good place to be. And most of all I can’t be with you.”

As pointed out by Adalist-Estrin (2003), there remain two more questions: *Do you blame me?* and *Do you love me?*. Again, a parent will need support in answering these questions, even if they are not voiced aloud. It is of outmost importance that, apart from straightforward statements assuring a child that he/she is not to be blamed for anything and that he/she is still loved, these questions are answered through everyday communication and by providing for situations in which a child may feel unconditionally loved.

When providing support to a child one should consider certain factors in the life of a child that may lessen the consequences of stressful and traumatic events. Children who have developed good relationships with their family (one or both parents), experienced a great deal of success in their schools and maintain relationships with peers, and mental instability is less likely to occur as a result of stressful events (Rutter, 1983, quoted in Goodyear, 1992). Furthermore, it was found that individual characteristics, such as self-confidence and resilience built over time, are a result of interpersonal experiences (Hartup, 1983, Rutter and Garmezzy, 1983, quoted in Goodyear, 1992). These personality characteristics may be significant factors determining the child’s ability to face stressful situations, including the stressful separation from the parent in prison. Children who live in a supportive environment and develop coping strategies become generally more resilient to stress, and the resilience may help reduce the impact of stressors and crisis events.

Therefore, the factors helping children cope with stressful situations are the following:

- A healthy relationship with at least one parent or adult
- Well-developed social skills and problem-solving skills
- At least one coping strategy
- A sense of positive self-esteem and personal responsibility
- Ability to focus attention, special interests and hobbies

Individual responses and consequences of stressful events depend on the ability to successfully cope with stress and the quality and quantity of social support, particularly support provided by those who are close to the child. The care of stable adults has proved to be a significant protective factor in childhood and adolescence (Lacković Grgin, 2000).

Supporting Children Coping with Stressful Situations

We can provide support to children coping with both family and school stress. When creating living conditions for children that will be less stressful, we should take into account social support, placing focus on problem solving, the anticipation of stressful events and learning how to avoid stressful situations and/or cope with them. Children receive social support from parents who listen to their children and hear what children have to say, and friends whom they can talk to and who help them consider their options and find the solution to a child's situation.

Strategies that adults may use in helping children cope with difficult times include the following:

- Paying attention to children – in different situations, both agreeable and unpleasant, especially when quarrelling with friends, bedwetting, being unable to concentrate...
- Encouraging children – being positive, showing they matter/are cared about
- Admit to having ALL KINDS of emotions – children need to know that it is all right to feel angry, frightened or lonely; adults need to name children's emotions and help them talk about them
- Helping children view other aspectual situations
- Organizing collaborative activities to encourage cooperation – by doing so they enable children to participate at their own pace, and develop social skills
- Stimulating participation of other adults (family members and friends)
- Making sure that conversations are kept on a regular basis in a safe environment – family members, but also members of a certain group or classmates are willing to share their feelings, experiences and fears in situations the feel comfortable in... Adults have

the opportunity to identify children's modes of expression and enable others to benefit from these experiences.

- Organizing sports and other physical activities
- Developing healthy habits in children
- Teaching children that making mistakes is normal and a part of the learning process
- Establishing rules to be followed in different situations, e.g. in the classroom or among family members
- Talking to children about how to conduct themselves when faced with difficult situations, discussing how they would handle such situations, asking his/her opinion
- Reading or telling stories on how to deal with stress and problem situations

In addition to these general principles for supporting children coping with difficult situations and events, when providing support to children of prisoners one should consider the child's relationship with the incarcerated parent prior to arrest, which parent was incarcerated (a mother or a father), whether a child was placed in the care of individuals with whom he or she is close, the other parent or was placed in a different environment (in foster care, with adoptive parents, in a child care institution...). Also, a child's responses and the specific nature of support provided will depend on the child's age, past traumatic and stressful experiences, previous experience of loss and the grieving process, and the presence and availability of all afore-mentioned protective factors that help children cope with difficult situations.

Family Support

Aside from all of the previously mentioned ways of coping with difficult and stressful situations in general, children of incarcerated parents need support from their families to maintain contact with a parent in prison. This support does not refer only to taking a prisoner's child on a visit. Children receive family support if they are able to talk about their feelings with their families – feelings associated with parental incarceration, the fact that a parent has done something illegal and the separation from a parent. What is most important is that adult family members remain honest and sincere when communicating with children. This may sometimes be hard; the parent with whom a child lives may have completely different feelings towards his/her partner in prison than a child to whom that partner is a parent. In such cases, one has to separate, as much as possible, his/her own feelings from those of the child and give the child explicit permission to feel differently about the parent in prison.

Furthermore, in quite a few cases family members are reluctant to talk about the one who is incarcerated with people outside their family. This is something that one should also

discuss with children; children should be given a chance to talk about their parents with family as well as the right to choose whom, outside of family, they want to talk with about this subject. Families should encourage children, as much as possible, to write to their parents in prison (including drawings, stories...).

Children should be given meaningful answers regarding their incarcerated parent that would not increase their anxiety. Young children may be given simplified explanations, while older children need more detailed ones. Certain experiences show that older children can cope with in-depth descriptions of the incident, including the mention of the parent's offense. Either way, children will find it easier to cope with the incident, despite its gravity, if they hear about it from their parents instead of friends or on the news. If the prisoner parent still plays an active role in the child's life, it clearly indicates that he/she has to be committed, more than anyone else, to explaining the new situation to a child.

If a child refuses to visit a parent, he/she usually needs help dealing with difficult emotions associated with parental incarceration. It is therefore important that a child is made aware that other adults are affected by the situation in their own way and have more or less similar feelings about it. Yet, the most important is that a child is clearly told by family members, or by other adults with whom the child lives, that they will not be angry with the child if he/she visits the parent in prison or still expresses his/her love for the incarcerated parent. Naturally, children should also be allowed to do the opposite: to be upset and refuse to stay close to the incarcerated parent, even if the other parents or a family member remain close with him/her.

How often a child visits a parent in prison depends on a number of factors: expenses, prison practice, distance and transportation options, and the other parent's preferences. However, researches show that visiting a parent in prison is beneficial for most children (Adalist-Estrin, 2003). Visitation involves difficult situations: waiting, upset feelings and stress. Non-visitation sometimes seems to be an easier choice, but in a long run it may not be so when it comes to a parent-child relationship. It is also important here that the other parent with whom the child lives or the rest of the family seek all available help and support for maintaining contact (school, social services, counseling centers, associations...).

During visits, it is up to the family to estimate and assume responsibility for potential consequences of the visit on a child and they should take into consideration a number of circumstances (Adalist-Estrin, 2003):

- Visitation rules, which should be explained to a child in a way that he/she can understand.
- A child's inclinations and responses in similar situations (what time of day suits the child best, how a child behaves given new circumstances, whether he/she can sit still, etc.).

Ask the child what he/she wants to talk about with a parent, encourage the child to be outspoken and to talk about everyday life (which is the subject children are sometimes reluctant to talk about to avoid upsetting the parent), talk to a child after the visit and prepare him/her for the next visit. A child needs to be given permission to decide for himself/herself on what he/she will talk about or say. Talking to a child before and after the visit serves as support, not a control over child's thoughts and emotions.

Children of different ages will have different responses to visits. This is not to imply that children of a certain age should not have contact with the parent in prison, but that a visit should be planned in a different way. Very young children need a parent who will have long talks with them, emphasize their skills, occasionally engage with them through play during conversation (word plays and stories are games as well!), not pressure them into a certain type of contact and will be patient. With older children, it is important that the adult shows increasing interest in the child's life, activities, interests; to give clear, open answers to all of the child's questions, no matter how difficult; to show consideration for child's emotions without shaming him/her.

An old saying goes: It's easier to leave than to be left behind! When parting, it is better if the prisoner parent says goodbye to a departing child than that a child has to watch his/her parent go back to prison.

Prisoner Parent's Support to a Child

In spite of the limited circumstances of communication between imprisoned parents and their children, such communication is decisively important with regard to its consequences for a child. Sometimes a prison visit may be the first opportunity for a child to talk to his/her parent and ask all the questions he/she wants. Letters are yet another form of communication between prisoner parents and their children. Some of them prefer this way of expressing their thoughts and feelings. However, children often need help and support of other family members when communicating with their parents through letters. Children also need their support in what they do, what they occupy themselves with and how they lead their lives. For this reason, a parent who is incarcerated should send out more than just letters: trivial prison-made gifts, photographs, school magazines, duplicate degree certificates a child can boast of, etc.

A prisoner parent may support a child through writing by doing the following (Adalist-Estrin, 2003):

- Writing frequently and regularly
- Making reading easier for a child by writing in a way that child can understand (capital

- letters...), enclosing pictures that may serve as illustrations, and making drawings
- Making games for a child to play with or unfinished drawings for a child to complete and send back
 - Inquiring about child's daily routine and showing interest in every aspect of his/her life
 - Suggesting that they both read the same book and later discuss it
 - Encouraging a child to send him/her all kinds of picture, letters, postcards
 - Not criticizing child's letters and creations
 - Writing letters even if a child does not write back so as to make the child aware that a parent is thinking of him/her and would like to stay in touch

It is not always easy for an imprisoned parent to give support to a child. Just as a child is concerned about the outcome of a visit, so is a parent. A parent can best provide support if he listens to what a child has to say. Here are some tips that might be useful to a parent giving support to a child (Adalist-Estrin, 2003):

- Do not be afraid to ask questions about the child's daily routine. If the parent does not ask, a child might think that he/she simply does not care.
- Keep in mind that a child wants and is entitled to privacy and that a child may keep many things secret or reveal them only gradually.
- Encourage a child to engage in "shared activities", although separated: read the same book, develop common interests (e.g., sports scores, historical events, TV shows, magazines etc.).
- Take interest in seemingly trivial everyday events of child's life.
- Play a game with the child during visit (e.g., a social game), if circumstances permit.
- Try to get more involved in child's upbringing by inquiring about child's feelings regarding certain family or school rules. However, children will lose interest if each visit comes down to "moralizing and preaching", especially if the parent draws comparisons with his/her offense. A parent must distinguish between his/her and the child's conduct.
- Do not make unrealistic promises of the future. A child needs support now.

Children may refuse to visit a parent in certain circumstances. The reason for such behavior usually lies in their relationship with the parent, but one should check whether this might be caused by some other circumstances (travelling distance, children's activities overlapping with visitation hours, crowded visitation room rendering it impossible for children to properly interact with parents etc.). One should discuss these issues with a child because sometimes even small changes may make the visitation a lot easier for a child. Either way, it is best not to force children to visit or talk to their parents in prison. However, some parents surrender too fast and accept their situation. Adalist-Estrin (2003) holds

that, when a child refuses contact, an imprisoned parent may say that he/she expects they would have a talk when the child eventually decides to come. If the child persistently refuses to come, the parent should back off for a few weeks and then try again. The adults are recommended not to entirely give up on contact. The only exception is the case when a child is traumatized by parent's behavior towards the child itself or towards other family members. In such cases, a child is usually enrolled in a therapy program and any insistence on visitation may interfere with or slow down child's recovery.

Some prisoners are only concentrated on their own feelings and are unable to see how their behavior and experience affect children. Some children, in turn, are preoccupied with their own everyday lives and are unaware of the need for contact with a parent in prison. Patience, support of friends and family, and adequate information on how both the child and the prisoner cope with the new circumstances, may be of great help in such situations.

Support Provided by the Foster Family

The change of residency within the scope of social welfare measures occurs mostly due to the following reasons: if children were exposed to abuse or neglect prior to their parent's arrest, as an immediate reaction to their parent's arrest which may possibly render the parent incapable of providing further care for a child, and/or as a result of disrupted family relations during parents' incarceration (Wright and Seymour, 2000). Children of incarcerated parents exhibit a number of different responses to this new situation and traumatic experience, including developmental difficulties and inefficient coping strategies. Among them, the children whose mothers were incarcerated are at the greatest risk; data found in the literature shows that, prior to their incarceration, mothers were the only caregivers in the majority of cases (Wright and Seymour, 2000).

In addition to the abovementioned support, children who are placed with a foster family following these events need additional support. One should keep in mind that a child has experienced tremendous loss and is undergoing a grieving process. This is the reason why persons caring for a child must have sufficient knowledge of the stages of grief, reactions to loss and grief reactions, as well as specific support interventions. Besides, a child feels a strong need to be relieved of uncertainty and provided answers to all of the questions that have arisen and that he/she wants to ask. Through talk and support, children, especially young children, will be given a clear message and be assured that they are not to be blamed for their parent's departure. It is of utmost importance that foster parents respect and encourage a child to maintain contact with a parent in prison, who still occupies a central place in the child's life and affects a child's overall state and future development.

Support Provided by Kindergartens and Schools

Kindergartens and schools are places where children find important sources of support; they are a part of a child's everyday routine and source of safety. Parental incarceration is a subject that most teachers consider exceptionally difficult to discuss with children. This is completely understandable, especially if the child is a victim of the prisoner parent; in such cases, teachers and youth counselors need professional help in providing support to a child in the recovery process (how to talk to a child and what to say to him/her). In a situation where a parent is incarcerated for a different type of offense (other than the abuse or neglect), it is especially important that a teacher is straightforward and encourages communication with the child. In order for a teacher to be able to support a child who is dealing with a crisis caused by traumatic separation from a parent, he/she must be know what child's typical responses in such situations are, who in the family or classroom/group normally provides support to the child and what the child's previous experiences are, especially the ones related to the parent in prison.

Establishing contact between a child and a teacher or counselor is important because children perceive them as their natural helpers. A conversation between a child and his/her teacher is personal and private and a child's prerogative. When initiating a conversation on this subject, one should employ effective communication techniques, including reflecting, paraphrasing, empathy and naming emotions. A teacher or a counselor may offer support to a child and show their understanding of the gravity of the situation and his/her accompanying emotions.

Before providing support a teacher or a counselor has to let the child know that he/she is available if the child wants to talk. During their conversation, a child will be given a chance to express his/her emotions. It is advisable to plan activities and situations in the classroom that will enable children to express their emotions and experiences related to different forms of separation. All children may benefit from such activities, particularly the children of incarcerated parents. Naturally, after such activities, children should be offered a possibility to have an individual conversation. Many teachers have a desire to help children, yet are troubled by the thought that they cannot bring their parents back to them. However, there are a number of other, practical situations that they can help them with, but also by encouraging the acceptance of affected children by classmates. Special consideration should be given to children who were not told the truth by their families about their parents' current residence since they are at much greater risk of inappropriately displaying their emotions and behaviors. Teachers frequently wonder what their responsibility should be in such situations. Most important would be to offer help to parents. Help may come in form of counseling for parents to help them realize what would be the consequences for children and their relationships with parents if they fail to tell them about such events in the family. However, here a teacher may serve as a link between

parents and professionals (school psychologists and external service providers, social workers, etc.) who will advise them on how to communicate with children and provide appropriate support.

A teacher or a homeroom teacher is usually the one connecting the school (children and other teachers) to the child's family, (i.e., the child). When providing support for children of incarcerated parents, one must be sensitive to all changes that children experience in their family and environment and provide support not only to the child but to his/her entire family. It is essential to establish communication between schools, the social welfare system, experts and associations helping children.

Do Children of Incarcerated Parents Need Professional Help?

The assessment to determine whether a child needs professional help must be conducted as an assessment of the whole family. In some cases, providing counsel to parents on the appropriate way to communicate with a child and in front of the child may prevent the consequences of a child's separation from a parent due to incarceration. Nevertheless, owing to the nature of traumatic events that the child is exposed to, one needs to focus on observing the child's behavior and the appearance of signs (posttraumatic reactions) which might indicate the need for professional support. It is important to observe when the behavioral signs initially occurred, their frequency, their intensity and to what extent they interfere with the child's everyday activities and adjustment.

There are many ways in which children and other family members respond to incarceration of one of the parents, but what they all have in common is that they experience different emotions: confusion, anger, sadness, fear for the well-being of the incarcerated parent but also the one with whom the child lives and feeling ashamed in front of their classmates or other members of a group or community. In such circumstances, professional help, counseling, and support may certainly prove to be effective and facilitate the recovery and adjustment to new circumstances. As already mentioned several times in this article, open and honest communication with children is essential when a parent is incarcerated and this is what adults (family members, caregivers and teachers) find to be the most difficult. It is precisely in this area of support provision that adults themselves need the most: support, counseling, and consideration for their feelings.

When conducting an assessment to determine whether a child needs professional help, one should take into account the following:

- Whether the child's response to separation from a parent due to incarceration is highly inappropriate (overemphasized reaction or complete absence of anxiety)

- Whether a child experiences a strong feeling of fear for the well-being of the incarcerated parent and/or the persons he/she lives with
- Whether a child has been exposed to traumatic events and loss other than being separated from a parent
- Whether members of the community show patience and understanding for child's reactions
- What the child's personality traits and family peculiarities are (e.g. whether he/she is reserved in expressing feelings)
- How a child feels when a parent is convicted despite the insufficient evidence of his/her guilt and the family (including the child) experiences additional pressure and frustration over injustice inflicted on them
- Whether a child is able to accept long periods of separation
- Whether a child starts showing symptoms indicative of changes in his/her perception and behavior (e.g. child isolates himself/herself too much, has gloomy thoughts, becomes aggressive towards self and others...) after a longer period of separation.

Instead of a Conclusion

Only if provided adequate support will children be able, through contact with their parent in prison, to change the horrifying images formed in their minds, communicate with their parent in a way that will make him/her feel valued and loved, learn that he/she is not alone and prepare to live together as a family again. Furthermore, provided support a child will be able to maintain the relationship with a parent – that will open up the possibility of restoring the relationship between parents – and recover from loss.

The best framework for planning and implementing such support programs in family and community is a rights-based framework for children of incarcerated parents (Bernstein, 2003), which coming out of the mouths of children run as follows:

- I have the right to be kept safe and informed at the time of my parent's arrest.
- I have the right to be heard when decisions are made about me.
- I have the right to be considered when decisions are made about my parent.
- I have the right to be well cared for in my parent's absence.
- I have the right to speak with, see, and touch my parent.
- I have the right to support, as I struggle with my parent's incarceration.
- I have the right not to be judged, blamed, or labeled because of my parent's incarceration.
- I have the right to a lifelong relationship with my parent.

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SOCIAL AND LEGAL PROTECTION OF CHILDREN OF INCARCERATED PARENTS

Besides the universal human needs that we all share, children have developmental needs that depend on their age, life circumstances, habits, health status and many other circumstances. Satisfaction and realization of children's needs fall primarily onto the responsibility of their parents. The UN Convention on the Rights of the Child imposed on national legislations of signatory countries, including the Republic of Croatia, responsible parenting as a legal standard, an imperative which must be borne in mind by every parent regardless of the situation or challenge they encounter in their lives. One of the implications of having children, besides the satisfaction that parenthood undoubtedly offers, is that parents have to take responsibility for their own doings, think about what they do and how they do it, not only for their sake, but for the sake of those they are responsible for. A responsible parent, despite the challenges and complex situations he/she may find himself/herself in, will always remember that his/her every action involves responsibility for the consequences affecting not only his/her life, but also the lives of those close to him/her.

Yet, regrettably, life and reality have taught us that some individuals faced with different temptations show little consideration for the needs and interests of their own children and tend to disregard the fact that because of their actions their children might end up living without parental care. By committing an offense and allowing themselves to be incarcerated, parents violate different children's rights, such as the child's right to live with their birth parents, the right to be raised by their birth parents, the right to be supported financially by both parents and other rights. Regardless of the reasons leading to incarceration of the parent, who usually sees himself/herself as a victim, the only true victim in such situations is the child itself. Parent's incarceration is always an extremely stressful and upsetting event for a child. It is therefore necessary to provide a child with adequate care and protection, which places high demands and responsibilities on the other parent and the State alike.

* The Children's Ombudsperson of the Republic of Croatia

If a child continues to live with the other parent, who adequately cares for the child, makes allowances for child's needs and protects his/her interests, the child will be able to endure a period of separation from the incarcerated parent much easier. However, if the situation were different and the care of a child questionable, and if the parent puts his/her own interest above everything else or gives less priority to the interest of a child, the consequences of separation from a parent going away to prison will be even more difficult for a child.

In such cases it is not unusual for a child to be entrusted to the care of someone else, such as a foster family or an institution. If one of the family members expresses willingness to take it upon himself/herself to care for a child and fulfills the necessary requirements, relatives or kin are given priority in placement decisions; a foster family or a child care institution is our second choice. Entrusting children with kin family requires a thorough assessment of all circumstances, as in some cases such placement or provision of such care may not be in the child's interest. In other words, family members sometimes tend to misuse their position as important persons in the child's life.

Legal Framework for Child Protection

In a situation where a child is devoid of parental care due to the incarceration of one or both parents, the State assumes responsibility for providing the substitute care for a child. "The State protects maternity, children and youth and establishes social, cultural, educational, material and other conditions that promote the realization of the right to decent living." This is one of the provisions of the Constitution of the Republic of Croatia that guarantees protection of every child and the realization of his/her every right under Article 62. This framework is provided by the highest legal document in the State and it guarantees the protection of children regardless of their circumstances. Child's life circumstances often vary from desirable and motivating to exceptionally complex, encumbering and unfavorable ones, which by themselves necessarily require State intervention and the active involvement of its bodies. There are rare cases when children whose parent is incarcerated find themselves in desirable conditions, without being exposed to discrimination, stress and emotional and social distress. Hence, this group of children must be given special attention and protection.

The broadest framework for coherent child protection at the global level is set by the Convention on the Rights of the Child; a legal document, which was also signed by the Republic of Croatia and incorporated into its national legal order. The importance attached to the Convention by the Constitution of the Republic of Croatia, which places it above the law in its legal power, as noted by Article 140 of the Constitution, and the compulsory compliance with its provisions, imposed child protection standards on national

legislation, with which it must be harmonized. In cases where national regulations are not in harmony with determinants of the Convention, those responsible for enforcing the law and conducting procedures have not only the right, but also a duty to directly implement the Convention and to invoke its provisions. Croatian laws regulating certain areas of child's life have been to a large extent brought into line with provisions of the Convention; they "recognize" and "cover" children's needs, but the problem is often encountered in their implementation. Present regulations are rarely enforced, all the options provided or offered by these regulations are not exploited; that way, many of the rights as well as the provision of protection remain dead letters.

The nondiscrimination principle is one of the fundamental principles of the Convention. Article 2 grants the right to protection against all forms of discrimination or punishment based on the status, activities, beliefs of the child's parents... Therefore, if a child is exposed to discrimination because he/she has a parent in prison, a child is entitled to protection. The second fundamental principle is the principle of the best interests of the child, according to Article 3, which was, as the legal standard, incorporated in many regulations, acts, strategies and projects. By this principle the State is bound to give preference to the child's right to protection of his/her best interests in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. States Parties undertake, by applying the principle of the best interests of the child, to ensure the child such protection and care as is necessary for his/her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for the child, and, to this end, shall take all appropriate legislative and administrative measures.

It is not always easy to answer the question of what the best interest of the children of incarcerated parents is. The child's well-being depends on the individual assessment, reasons for his/her parent's incarceration and other circumstances. If a parent was imprisoned due to neglect, abuse or violence against the child, then the child's interest is to get help and support in recovery, and that the parent answers for his/her actions, that he/she is adequately punished, but also that the parent gets help that would make him/her realize that his/her behavior towards their own children is harmful to everyone, that there are other ways of solving problems, etc.

If parent's incarceration is not related to a child or his/her protection, or any aspect of their relationship, then the child's best interest is to continue seeing the parent and spending time with him/her. It is important to preserve the continuity of their relationship as it is hard to reestablish the communication after long periods of separation, especially after the parent's release from prison. The other parent or another person with whom the child lives must inevitably encourage and enable child's regular visits to a parent in prison, while at the same time ensuring that the child's living environment is supportive and friendly.

If the child refuses to see or visit a parent in prison, one should not be forced to do so. Instead, a parent and a child need to receive professional help provided by individual counselors or institutions that will enable them to realize the reasons for child's refusal and to find the way to establish contact. Sometimes children shrink from seeing their parents because their parents have let them down, made an inappropriate comment on some event or refused to talk about a subject which was important to a child. All this has to be taken into consideration by a professional providing help to the child and his/her parent but also to persons who have taken over the care of the child.

Children whose parents are going away to prison are being separated from their parents against their will, even though the State, being subject to the provisions of Article 9 of the Convention on the Rights of the Child, is bound to ensure that children shall not be separated from their parents against their own will, unless the separation is deemed necessary for the child's best interests. Prison may not be a very desirable or appropriate place for a child's stay, yet given the child's biological connection with his/her mother, the child's dependence on her and the importance of young children remaining with their mothers after birth, the Execution of Sentences Act includes a maternity protection provision under Article 111 which allows for it. This Act makes provisions for comprehensive health care services for pregnant women and women who gave birth while incarcerated – giving birth in a specialized health care facility. If the correctional facility in which a pregnant woman is serving time does not contain a maternity ward, she will be referred to another correctional facility or prison that includes such a ward. At the mother's request, a child may be allowed to stay with her, by order of the social welfare center⁷, until the age of three, whereupon the center will take whatever steps are necessary to ensure child's placement in substitute care.

Baby clothing and accessories, same as professional counseling and health care services are provided by the correctional facility or prison. Social welfare officials are required to pay quarterly, or more frequent if necessary, supervisory visits to a mother in the correctional facility and take appropriate measures, if needed. A pregnant woman or a mother with a child are entitled to weekly visits from family members; the kind of work that a mother or a pregnant woman can do is recommended by a physician. Correctional facilities and prisons are obliged to ensure that such children are enrolled in preschool outside the prison while living inside the prison with their incarcerated mothers.

The question arises whether the provisions of Article 111 of the aforementioned Act is overly rigid and inflexible in relation to the child's best interest. In other words, prison is

⁷ According to the Family Law Act (Official Gazette No. 116/03, 17/04, 136/04 and 107/07) the court makes a residence order stating with whom the child will live and for this reason the provisions of Article 111 in the Execution of Sentences Act need necessarily be brought in line with the provisions of the Family Law Act.

not a desirable place to raise children, but, for instance, if a child stayed with his/her incarcerated mother from birth until the age of three and if the mother is eligible for release soon after that, it would be recommendable not to separate a child from his/her mother while she is serving the remaining time. The issues caused by children being separated from their mothers force us to consider whether a more flexible legal solution is possible, in which the form will be less important than the child's interest.

According to Subsection 3 of Article 9 of the Convention on the Rights of the Child, a child not living with his/her parent has the right to maintain personal relationships and direct contact with both parents, unless these contradict the child's best interest. Furthermore, the Convention guarantees to all children capable of forming their own views, the right to freely express their opinions on all matters that concern them and that their views would be given due weight in accordance with their age and maturity. This implies taking an especially considerate approach to children and providing information understandable to children.

Article 20 of the Convention guarantees to each child temporarily or permanently deprived of his or her family environment, the right to special protection and assistance provided by the State. It means that the child is entitled to alternative care if he/she was deprived of family environment and may realize his/her right to be placed in care outside the home; such placements include foster homes and child care institutions. Moreover, it is possible to resolve the status of a child and place him/her in permanent care through adoption, as the most appropriate type of care for children. An adoption will only take place if the child meets all legal requirements, meaning that either birth parents have given their consent to the adoption or were stripped of their parental rights through a court order and do not have a say in the matter.

If one of the parents is going to prison, it is presumed that a child will continue to live with the other parent, provided that he/she is able to properly care for the child. However, if child's only living parent or both parents are going to prison, circumstances arise where the State needs to ensure proper care of children, either by placing a child in care of relatives or a foster family or by entrusting the child's care to an institution.

A child has the right to a standard of living matching child's developmental stage, according to Article 27. A duty to provide such living conditions falls primarily on the parents or other persons responsible for children, but if they for whatever reason fail to perform this duty, it will be taken over by the State.

The above mentioned provisions of the Convention clearly imply that, whatever the child's situation, the State is obliged to ensure the best possible solution for a child, to protect child's interests and do anything in its power to make the child feel safe and protected.

Family Law and Child Protection

The Family Law Act is a fundamental State regulation governing the relationships between children and parents and its provisions incorporate the highest number of principles and determinants of the Convention. The Family Law Act provides a framework for all situations in which parents and children live apart. However, taking into account problems reported by parents, children and other persons providing care for children, to the Office of the Children's Ombudsperson, the question justly arises whether all available legal options of child protection are truly exploited in practice.

Competent authorities will take different measures with respect to a child's specific situation. If a child is living with both his/her birth parents at the time when one of them is incarcerated, the child will continue to live with the other parent. In such cases, no decision making is required on whom the child will live with or on visitation between the incarcerated parent and the child, if the parent with whom the child lives regularly takes their child to visit the other parent in prison, and thus respecting child's needs and interests. The situation changes if the parent is unwilling or even refuses to bring the child to visit his/her incarcerated parent. Then the incarcerated parent has the right to obtain a court order establishing a visitation schedule with respect to the child's current place of residence. If the parent resists taking the child to visit the other parent, many issues arise in practice which may impede maintenance of continuous contact between children and their parents in prison because it may be difficult to arrange for some other person, e.g., a grandmother or a grandfather, to take the child to visit instead.

If parents have not lived together prior to incarceration or have been divorced, things are different, depending on which of the parents was sent to serve the prison sentence. If the parent going to prison is not the one with whom the child lived, technically nothing needs to be changed unless due to new circumstances a new visitation order needs to be made. If the parent going to prison is the one with whom the child lived, the child is undergoing major life changes. In such cases, child's status must be resolved and certain issues defined by a court order. This includes making decisions on where the child will live and how the child will maintain contact with the incarcerated parent. The fact that the parent with whom the child lived was the one sentenced to serve time in prison does not automatically mean that the court will decide in favor of the other parent, but that it will seek a most protective solution for a child.

Surely, the most complicated situation occurs when the child's only living parent or both parents are incarcerated. Aside from deciding on whom the child's custody, care and upbringing should be entrusted to, the issues of guardianship should be settled. For example, a legal guardian must be designated to protect child's rights and interests.

How Are Children Placed Under Guardianship?

Guardianship of minors is a way to protect children without parental care by providing substitute parental care as determined by Article 149 and 150 of the Family Law Act. The guardianship over a child ceases when the child reaches the age of the majority or when the circumstances which led to the child's placement under guardianship cease to exist. A child will be placed under guardianship if his/her only living parent or both parents are incarcerated and if the parents not entrusted the child to the care of a person who meets the legal requirements to be a guardian; if the other parent is dead, missing or unknown; if the parent's whereabouts are unknown for a month or longer; if the parent has lost the business capacity or provide care for a child, and if he/she is absent or otherwise rendered unable to care for a child. An order placing a child under guardianship and appointing a guardian is made by social welfare officers under the Family Law Act, and by this order the care of a child may be entrusted with a guardian, some other person, a foster family, a child care institution or a corporation providing social welfare services⁸.

A child does not necessarily need to live with his/her guardian; the order may say differently. The Family Law Act provides no definition and gives no instructions in this respect; instead, in practice, the cases are dealt with by taking into account particularities of each individual case. In practice we encounter many situations where a child was placed with a foster family or in a child care institution, or is cared for in a different way, while his/her appointed guardian is a social services employee, a lawyer or someone else believed to be best able to perform the duties of the child's guardian. There are many advantages to this solution: one may gain better insight into performance of guardian's duty; children are influenced by more than one person and the quality of work by guardians may be easily monitored.

The appointed guardian, same as the parent, has the responsibility to conscientiously care for a child and protect his/her rights, but particularly to make decisions about the child's health, upbringing and education. The minor ward has the right to be informed in an appropriate and understandable way by social services on anything of importance to his/her case or anything that may concern him/her, seek advice or express his/her views. A child also has the right to be informed of potential consequences of his/her views when deciding what he/she is entitled to. Children's views should be given due weight in keeping with their age and maturity.

⁸ Such legal solution was considered acceptable in circumstances where the care orders were made by social services (until January 1, 2006), but has recently proven to be questionable. In other words, practice has seen a number of cases in which the guardianship ceased or a new guardian was appointed while the care orders whose effect was to entrust the care of a child to a guardian in the first place, remained in force. Orders terminating guardianship or appointing a new guardian will still be made, under provisions of the Family law Act, by social services and the part of the order deciding on child's care being entrusted to a guardian, will remain in force. One could say that the order made in accordance with Subsection 2 of the Article 153 collides with orders made in accordance with Articles 100, 101, 102, 104, 105 and 106 of the Family Law Act by the Court. Therefore, in order to obtain uniformity in decision making process, i.e. to establish a singular unified decision-making body, the social services should be stripped of their authority to make decisions on entrusting the child to someone's care under Subsection 2 of the Article 153 of the aforementioned Act.

When addressing guardianship issues, social services have to take a very active role in encouraging the provision of support to children and, at the same time, monitoring the guardian's performance. The guardian's sole duty is to act in the interest of the child; the guardian is prohibited from making decisions or acting in a way that is potentially harmful to the child or his/her interests.

Legal Protection Measure in Cases of Parents' Failure to Protect Children's Interests

If a parent living with a child refuses or prevents the child to visit to the other parent in prison, it creates an opportunity for a social services center to exercise protective measures prescribed by the Family Law Act. If the reasons for his/her resistance are unjustifiable or irrational, the social services center may caution (Article 109 of the Family Law Act) the parent against doing so because such a behavior is an omission in care that may be harmful to the child's normal psychophysical development. If the parent persists in his/her resistance and continues to find different reasons not to take the child to visit the incarcerated parent or does not even allow telephone contact, the social services center may order supervision over the execution of parental responsibilities (Article 110 of the Family Law Act). When issuing a supervision order, the center has to designate a person who is responsible for monitoring and inquiries into all the circumstances of the case, helps the parent realize what the child's interest is and provides advice that will help resolve such a disputable situation. The minimum period for a supervision order is six months, but depending on the circumstances of the case and the social services' assessment, this period may be extended or a new supervision order could be issued when the original one expires.

In most cases, a parent's incarceration may render him/her unable to financially support his/her child. Social services are obliged to inquire about whether the financial stability of the child has been jeopardized, i.e., to evaluate a child's options and find the one that is most favorable for a child if they establish that available funds are insufficient for child maintenance. In certain situations, social services are obliged to inquire whether there exist grounds for temporary maintenance covered by children's social care funds (Article 352 of the Family Law Act), or, if this is not applicable, whether a child is eligible for some sort of permanent financial assistance as provided for in the Social Services Regulations.

Social Protection Programs for Children of Incarcerated Parents

Requirements for claiming social security benefits, types of social support and social security beneficiaries are regulated by the Social Welfare Act. This Act stipulates that a

social welfare beneficiary is a single man or woman or a family that has insufficient funds to satisfy their basic needs, and are unable to provide for these needs through work-related income, property income or other resources (Article 19). Furthermore, the Social Welfare Act defines the rights which may be exercised by the beneficiaries. These are as follows: permanent benefits, housing benefits, nursing care allowances, home care allowances, disability benefits, unemployment benefits, out-of-home care services and parent/attendant status (Article 12).

Apart from the above mentioned right, welfare services center may, depending on beneficiary's living circumstances and requirements, approve other forms of social support. These may be a one-time support and counseling and support in overcoming specific difficulties (Article 77f). One-time support may be financial or in-kind, when the welfare services estimate that such one-time intervention will help the beneficiary fulfill his/her momentary needs (Article 77g). These are the circumstances in which, due to certain momentary financial difficulties, a beneficiary is in no position to meet some specific needs related to the birth of a child, his/her education, death or illness of a family member, natural disaster, purchase of household commodities, purchase of the necessary clothing and footwear, etc. This form of support may be claimed by a child, too, that is, by a parent with whom the child lives, if his/her other parent is in prison and if current family circumstances are such as requiring financial assistance of the State. One-time support may also be used to cover travel expenses to visit a parent in prison.

In practice, difficulties often arise when it comes to securing funds for travel and accommodation expenses of visiting the parent in prison located far from where the child lives. If a parent or a person caring for a child does not have sufficient funds to cover the cost of travel expenses, he/she is referred to a welfare services center to claim help with the cost of prison visits. Although this situation is slowly changing, we discovered that so far these claims met with little response at the center, where it was widely felt that there is no reason why the State should bear this "cost" of children of incarcerated parents as well. In terms of the protection of child's interests, this attitude is unacceptable.

The amount of one-time support cannot surpass the amount sufficient to meet the need for which it was granted. If the amount of money required to fulfill the need exceeds five times the benefit base amount, welfare services are obliged under the Act to obtain the prior consent from the relevant minister. What matters to the beneficiary of one-time support is that the procedure does not take too long and that welfare services are required to make a decision within eight days from the initiation of the procedure, which may be initiated on a proposal of a client or *ex officio*.

Furthermore, another form of support is counseling and support in overcoming specific

difficulties. This is free and systematic professional help provided by professional welfare workers with the purpose of helping one successfully overcome difficulties, create conditions for maintaining and developing personal capabilities and responsible attitude towards self, the family and society (Article 77i). Counseling and support are provided in an attempt to help one overcome hardships related to illness, (advanced) age, a death in the family, childrearing problems, integration into daily life after a long-term institutional confinement, long-term treatments and other adverse circumstances or crises. Counseling deals with housekeeping, controlling household finances, organizing tuition for children, the purchase of clothing, getting meals at soup kitchens, enrolling in clubs, finding jobs, solving housing problems and other circumstances relevant to the beneficiary. This unavoidably implies support aimed at helping a parent with whom the child lives deal with the new situation, family functioning, family roles, expectations, etc. Such support also includes providing legal and other services to ensure satisfaction of basic needs of individuals and families.

Conclusion

A review of the cases reported to the Office of the Children's Ombudsperson mostly by parents in prison may lead us to conclude that a parent with whom the child lives often does not permit the child to visit a parent in prison, even when the child wants contact with him/her. This problem exists with divorced parents and parents still married to each other alike. Their unwillingness to bring children to prison for the fear of traumatizing them additionally has often been used as a pretext for such violation of children's rights. As a result, years may pass before a child gets to see his/her parent in prison.

One obstacle often cited by incarcerated parents in maintaining contact with children is the fact that visiting rights are seen as privileges for an inmate, which can be denied by the prison officials and the Bureau of Prisons with the Ministry of Justice. There is much public talk about prison overcrowding and the lack of adequate conditions for parents and children to spend time together undisturbed. This is also another reason why children are unwilling to visit their parents.

After the inspection of the majority of prisons and penitentiaries in the Republic of Croatia, performed by the Children's Ombudsperson and her associates, the impression is that motivation and willingness are present in prison and penitentiary staff to create adequate conditions for children and incarcerated parents to meet and spend time together. Another observation shows that improving physical conditions and providing professional counseling to support the incarcerated parent foster a quality relationship with the child. Yet, much more needs to be done in this respect.

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CHILDREN OF INCARCERATED PARENTS – CRIMINAL ASPECTS

The Convention on the Rights of the Child defines a child as any human being under the age of 18 unless an earlier age of majority is recognized by a country's law. According to Subsection 9 of the Article 89 of the Criminal Code, a person who has not reached the age of 14 is considered a child. According to the Youth Court Act, Article 2, a minor is a person who has reached the age of 14 but has not yet reached the age of 18 at the time that he or she has committed the unlawful act. A young adult is a person who has reached the age of 18 but has not yet reached the age of 21 at the time that he or she has committed the unlawful act.

The Convention on the Rights of the Child stipulates that each country's national legislation must clearly prescribe that all actions affecting children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, be in the best interests of the child as a primary consideration.

According to the Article 238 of the Criminal Procedure Act, when interrogating a minor witness, especially if he/she has been victimized by the crime, one shall treat him/her with consideration for the fear that interrogation may adversely affect the mental health of the minor. If a child witness is interrogated, who is also a victim of the crime, the interrogation is conducted with the assistance of a psychologist, a pedagogue or other professional. The investigating magistrate may order that the interrogation of the child witness be audio and video recorded. The magistrate and the parties will remain outside the interrogation room while the interrogation is conducted, but the parties may question the child through the investigating magistrate, a psychologist, a pedagogue or other professional. A minor who, on account of his/her age and the level of intellectual development, is unable to grasp the meaning of the right enabling him/her to refuse to testify, may not be interrogated as a witness, but the information obtained from the child through professionals, relatives or other persons who were in contact with the child, may still be used as evidence (Subsection 4 of the Article 234 of the Criminal Procedure Act).

The Youth Court Act, Article 117, prescribes that youth courts may try adult offenders for the following offences committed against children and juveniles, as defined by the

* Judge of the Supreme Court of the Republic of Croatia.

Criminal Law Act:

- First degree murder (Article 91)
- Infanticide (Article 93)
- Assisted suicide (Article 96)
- Illegal confinement (Article 124)
- Abduction by force (Article 125)
- Abuse committed by a person performing professional or official duties (Article 127)
- Family violence (Article 125)
- Rape (Article 188)
- Sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated (Article 189)
- Coerced sexual intercourse (Article 190)
- Sexual intercourse carried out by abuse of authority (Article 191)
- Sexual intercourse with a child (Article 192)
- Sexual misconduct (Article 193)
- Sexual self-gratification in the presence of a child or a juvenile (Article 194)
- Sexual procurement (Article 195)
- Sexual exploitation of children and juveniles for participation in pornographic performances and the production of pornography (Article 196)
- Exposing children to pornographic material (Article 197)
- Incest (Article 198)
- Violation of child support obligation (Article 209)
- Unlawful seizure of children and juveniles (Article 210)
- Change in family situation (Article 211)
- Child abandonment (Article 212)
- Neglect or abuse of a child or a juvenile (Article 213)
- Cohabiting with a minor partner (Article 214)
- Obstructing or failing to take child protection measures (Article 215)
- Engaging in slavery and human trafficking (Article 175)
- International sex trafficking (Article 178)

In prosecuting criminal cases involving children and juveniles as victims, under the provisions of the Article 119 of the Youth Court Act, a youth court magistrates and an investigating magistrate will treat a child or a juvenile against whom the offense was committed with special consideration. One will have to make allowances for the victim's age, his/her

personality traits, education and living circumstances so as to reduce the risk of potentially harmful effects on the child's upbringing and development.

Signatory countries to the Convention on the Rights of the Child made a commitment to adapt their national legislations so as to ensure that children are not separated from their parents against their will, excluding cases where relevant authorities decide, under court supervision and in accordance with current laws and procedures, that such separation is necessary in the best interest of the child. One will respect the right of the child separated from one or both parents to maintain regular and personal relations and direct contact with both parents, except if this contradicts child's best interest. A child, who was temporarily or permanently deprived of his/her family environment or could not be allowed to remain in that environment as it would be against his/her best interest, is entitled to special State protection and support. Signatory countries to the Convention on the Rights of the Child will undertake necessary measures to promote physical and psychological recovery and community reintegration of the child who was a victim of any form of neglect, exploitation, abuse, torture or some other form of cruel, inhuman or humiliating act.

Pursuant to the Convention, the Croatian Family Law Act prescribes the parents' right to live with their child, except if it threatens the child's welfare. If parents live in separate households, the court will decide whom the child will live with and determine how and when the child and the other parent will meet and spend time together. For the purpose of safeguarding the child's welfare, the child's meetings and time spent with the parent with whom he/she does not live may be restricted or prohibited, while according to the circumstances of the case, the court may appoint a person who will be present at their meetings. The Family Law Act empowers the court to order that certain duties are to be carried out by the absentee parent, such as the care of the child's health, education, extracurricular activities, acting as the child's representative in certain affairs and managing the child's assets, etc.

Having in mind legal protection of children and minors, the Youth Court Act, Article 117, stipulates that youth councils and youth court magistrates shall try adult offenders for various crimes against children and juveniles.

If one considers the rights of children whose parents were arrested, detained, placed in custody or imprisoned, one may clearly observe the contradictory relation between the rights and freedoms granted by the Constitution and by criminal law. Every legal system inherently identifies certain violations of human rights as criminal offenses.

On the one hand, criminal law protects basic human rights and freedoms, but on the other it restricts and denies them. This ambivalent relationship shows that fundamental human rights and criminal law are in constant interaction. Criminal law is designed, through its application, to provide necessary protection for human rights, but in the same way

it restricts, sometimes drastically, human rights and freedoms and grossly violates the right to privacy and family life. One of the basic issues arising from this correlation is how to achieve a lawful and just balance between the constitutional guarantee of fundamental human rights and freedoms and the repressive yet protective function of criminal law. Criminal law, as a system of legal norms supported by the severest forms of state coercion, should be injected norms which will prohibit any unjustified restrictions or refusal of basic human rights and freedoms.

All legal systems explicitly guarantee that all persons have the right to protection of personal integrity, the right to respect for privacy, the inviolability of home and correspondence; furthermore, they prohibit any arbitrary or unlawful interference in private and family life and violation of person's dignity, honor or reputation. However, then again, we must ensure that our efforts to prevent the denial of human rights and freedoms do not impede or thwart the effective execution of criminal law, that is, that they do not take off its edge in cases where it is expected to perform its protective function. That is the reason why rules of restrictions on constitutional rights (e.g., detention or imprisonment) were prescribed, among which especially prominent are the ones regulating the procedure of special inquests into offenses which involves temporary restriction of constitutional rights and freedoms (Article 180-183 of the Criminal Procedure Act).

In spite of the above mentioned considerable restrictions of human rights and freedoms, every citizen is guaranteed that no person shall be punished, nor shall any other criminal sanction be imposed upon a person, if he/she has not been found guilty of committing an offense. They are guaranteed the right to defense, the right to be informed of the nature and cause of the accusation against him/her, the right to a defense lawyer, the right to introduce evidence and to attend the hearing to give evidence, the right to remain silent and the right to seek legal redress. The existing standards guarantee all citizens protection of their rights as regards the institution and conduct of criminal proceedings, the position and function of persons who are subjects of proceedings and the treatment during incarceration. However, many of their rights are at all stages of criminal proceedings, especially during incarceration, either denied or grossly violated. Yet, this is the inescapable price of the establishment of justice. Among those indirectly paying such price are the innocent: persons closest to the defendants, their family and their children.

In the everyday application and realization of a large number of norms prescribing protection of children and juveniles and the concern for interests of children, juveniles and young adults, one has to keep in mind at all times that young population forms a particularly vulnerable group which requires permanent, professional and responsible work. This especially applies to situations where one or both of their parents is in prison. For this reason, professionals working with this population must treat them with upmost consideration and do everything in their power to prevent children from following their parents'

unfortunate example and ending up in prison. At the same time, one should respect the child's right to parent and parental love and care, and, under appropriate circumstances, enable children to have regular contact with their parents behind bars.

We may prescribe conditions in which parent-child contact will take place. We may also prescribe special care provided by welfare services and supervision for this high-risk population. We may, in addition, prescribe forms of protection of the youth from exposure to media coverage of their parents' story including their incarceration, but competence and sensitivity of professionals to this specific kind of problem, may not be prescribed. Such qualities in professionals are equally important as well conceived legal norms.

Constitutional and legal guarantees, no matter how substantial and comprehensive, are no more than illusion and empty words, if the court, judges, administrative bodies and welfare services are unable to competently, ethically and prudently enforce the laws, and especially if they are unable to effectively protect those whose rights have been violated or jeopardized. Justice is administered through court's decisions, and even some decisions made by administrative bodies, but the fundamental principles of fairness may be applied through daily activities of professional correctional services authorized personnel in numerous situations where a child encounters an unbridgeable obstacle as his/her mother or father is incarcerated. For the sake of the children, but also for our own sake, it is of utmost importance to have professionals willing and competent to translate European standards, constitutional principles and legal norms into everyday life. This is our most important goal but also the hardest to achieve.

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- *Zakon o kaznenom postupku* [The Criminal Procedure Act]. Narodne novine, broj 110/1997; 27/1998; 58/1999; 112/1999; 58/2002; 143/2002; 115/2006.
- *Zakon o sudovima za mladež* [The Youth Court Act]. Narodne novine broj 111/1997; 27/1998; 12/2002.

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WHAT IS THE BEST INTEREST OF A CHILD WHOSE PARENT IS INCARCERATED FOR DOMESTIC VIOLENCE?

WHAT IS THE BEST INTEREST OF A CHILD WHOSE PARENT IS INCARCERATED FOR DOMESTIC VIOLENCE?

Domestic violence has dramatically negative effects on a child – regardless of whether the child is its immediate victim or witnesses violence between parents. The repercussions on the psychological and social development of children growing up in a violent environment have been well documented. However, less attention has been given to situations where domestic violence is the very reason why one of the parents was sentenced to prison and hence separated from his/her family. A parent's departure for prison is always a psychologically and emotionally difficult situation for a child. Such situation is especially complicated when one parent is facing prison because of violence against the other parent as both parents are persons of special importance to a child. These circumstances may put the child, psychologically and emotionally, in a state of inner conflict: a close family member, or the child himself/herself, is a victim of violence and suffering, while the parent, convicted of that violence, is going away to prison. How many children are there in this situation? There seem to be no exact data available on the number of children of incarcerated parents in Croatia. Yet, if we use data from other countries (e.g., Hariston, 2007), it is to be expected that around 60 per cent of prisoners have children under the age of 18 (at least one child each!) out of which 20 per cent could be younger than the five years of age. According to available data on approximately 4,000 prisoners, it would mean that there are 800 children of incarcerated parents under the age of 5.

Domestic Violence Threatens a Child's Psychological Needs

Physical violence between intimate partners is very widespread, which means that many children are growing up in a primary family environment marked by violence. Surveys in different countries have generated similar data. In a study conducted in Great Britain, 23 per cent of women and 15 per cent of men, between the ages of 16 and 59, claimed to have

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been physically attacked by their current or former partners at some point in life (Mirrlees-Black, 1999). An American study shows a prevalence of women (45 per cent) abused in marital or partner relationships (Eliot & Johnson, 1995; Hamburger et al. 1992). One Croatian study found that 25 to 30 per cent of women have been exposed to violence in an intimate partner relationship (Otročak, 2003). It was found that women are victims of domestic violence ten times more often than men. This is consistent with data provided by the Ministry of the Interior of the Republic of Croatia on the relation between men and women charged with misdemeanor crime of family violence over a period of three years (Strmotić, 2004).

In the last twenty years, a clear overlap between partner violence and child abuse has been established (Browne et al., 2002). American studies indicate that in 60 to 75 per cent of cases of families in which women were physically abused by an intimate partner or family member, children also directly experienced physical violence (Osofsky, 1999). Moreover, a large number of children witnessed their mother being physically abused by their father: such is the case with two-thirds of children whose mothers sought refuge in a women's shelter (Pahl, 1985).

Exposure to domestic violence has a strong effect on a number of the child's psychological needs, adversely impacting on his/her socio-emotional development. This primarily concerns a threat to the child's need for physical and emotional safety normally provided for by the family. Since a child depends on adults for his/her basic needs and protection, a child's exposure to domestic violence directly compromises these fundamental needs; as such the family environment is dangerous rather than safe for a child.

Furthermore, violence between parents and violence against children jeopardizes a child's feelings of attachment to a parent who is the perpetrator of domestic violence. The development of attachment rests on the establishment of an emotional relationship between a child and his/her adult caregivers, on the basis of child's positive experiences with those adults for they fulfill child's needs and provide emotional comfort. Already at the age of two, children demonstrate attachment behavior directed toward their adult caregivers, manifested in their calm disposition in the presence of the caregivers and their agitation in the presence of strangers. Children regularly develop this strong emotional attachment with parents, especially their mother. It is believed that the type of attachment that children develop at their earliest age is strongly associated to the forms of interpersonal relationships they develop with others as adolescents or adults.

In adolescence, the child's relationship toward a parent who is violent toward the other parent is also severely challenged with respect to the child's loyalty to his/her family. Most children become painfully aware, as they grow up, that violence experienced by a family member causes pain and suffering; that it endangers the one whom the child loves; and that it contradicts social and legal norms. It is generally known that for numerous reasons

(such as shame, feelings of guilt and sense of failure in partner relationship, feelings of helplessness, economic dependency, fear, acceptance of traditional gender roles, etc.) victims of domestic violence try to hide the fact that they are abused. The attempt to protect the family from outside intervention places the child in a position of divided loyalty, as such intervention may protect one parent but sanction the other.

Domestic Violence and Its Effects on Family Relationships

The majority of perpetrators of domestic violence are not mentally ill persons acting out. Just a small percentage of the population (25 to 30 per cent) of domestic violence perpetrators constitute persons with antisocial personality disorders and psychopathic personalities, characterized in addition by alcohol abuse and problems with the law. They do not only act violently towards their family members but generally towards other people outside their family (Holtzworth-Munroe & Stuart, 1996; Huss & Langhinrichsen-Rohling, 2000).

By far the most common ones are the so-called *passive-dependent* and *cyclical batterers* who act violently only toward family members. These persons actually greatly differ from the stereotypical image of a batterer who is easily recognizable (Ljubin, 2004). The batterers who constitute this group do not suffer from mental or personality disorders; they misuse alcohol just as often as those who are not violent toward their wives, and they do not have more offense records. They lead normal social lives and are likely to be respected members of society, no more mentally disturbed than the rest of the general population.

Passive-dependents often suppress their anger and, after a long period of repression, eventually explode when faced with a stressful event or an incident that he/she may interpret as provocation or embarrassment.

Cyclical batterers are persons who become violent when they are overwhelmed by inner tension which grows regardless of external circumstances or events within the family, and due to their personality structure have difficulties forming emotionally safe relationships later on in life. Violence is directed against close persons, family members, whom the batterer blames for his/her discontent, misery and frustration. Such perpetrators of violence have more frequent early experiences of child abuse and rejection, of shame inflicted by his/her father and mother's ambivalent attitude (Dutton, 1998). Due to insecure attachment relationships with their partners they are afraid of being hurt in a relationship, and this is usually accompanied by extreme jealousy and control over their partner. The fear is disguised as anger, which is the source of their permanent tension that – in men – in cyclical surges transfers into a physical assault. Emotional discharge is followed by a period of peace and remorse over violence, until the inner tension reaches again the point of losing control over their behavior and once again results in violence. The other

partner and children usually learn to recognize early signs of an increase in agitation in the batterer and often live in fear and anticipation of the violent event.

Browne and Associates (2002) warn that children may grow up in a family with different patterns of violent relationships. A certain pattern of violence may lead to the establishment of different relationships with one or both parents. One of the patterns of a violent relationship is *mutual partner violence*, in which the man is usually the one who is violent, and his partner reciprocates his violence. In families with children there is a risk of both parents being violent toward children. However, children suffer because of the mere presence of violence between parents, even if the violence is not directed against them. In a *hierarchically violent family*, a father is usually violent toward a mother and the mother is violent toward children, but does not reciprocate violence toward the abusive father. In some cases, a father may be directly violent toward children. *Paternalistic violence in the family* is characterized by the same subordinate status of mother and children to father. Her partner treats her as weak and dependent and the children who see their mother as helpless may under certain circumstances also become violent toward her as they grow a little older.

In all of these situations children need to be provided support and treatment as victims of domestic violence, regardless of whether they were directly or indirectly victimized. Children who do not receive such support are more likely to become violent toward the parents, and there is a higher probability that they be violent to their children as adults (Browne & Hamilton, 1998).

Yet, it should be pointed out that a parent may be a bad and violent partner, perhaps even a child abuser, but still be, in spite of all that, a very important figure to a child because of specific patterns of attachment development. The importance of the parental role in a child's life while growing up is so immense that the emotional relationship between a child and his/her abusive parent does not cease to exist even when – by society's intervention – this parent is sent to prison and physically absent from home. One should not neglect the cases where abusive parents, e.g., a father who abuses and beats up the mother, represents a strong socialization model to his son, who tries to stay in touch with his father forming a sort of alliance against the mother (and possibly sister!), and thus deepening his relationship with the father.

Children and Their Parents in a Violent Family Environment

Emotional experiences and behaviors that a child displays while growing up surrounded by domestic violence are related to the formation of the relationship between a child and a parent convicted of domestic violence and sentenced to prison. Such emotional responses are highly complex and mutually intertwined and may change with time. Departure of an abusive parent signifies, on one side, a (temporary) increase in the physical

safety of the rest of the family, but may additionally increase the risk for some other aspects of family life (e.g., a lower income and family living standards, a fear of the abusive parent's return after release from prison, vulnerability to other risks – such as abusive peers). As already pointed out, divided loyalty toward parents in a violent relationship, and even toward the parent who ended up in prison with a child abuse charge, makes the child's emotional state even more difficult.

The most common emotional responses occurring in children of abusive parents:

- Feeling responsible for any act of violence performed by parents and blaming himself/herself for being a cause of it. A child typically thinks: “If I had been a better son/daughter, my dad would not get angry and beat up my mom.”
- Anxiety and/or fear caused by anticipation of the next violent event in which one of the family members will get hurt.
- Fear transferred from a mother to a child who senses her fear of the oncoming violence and her agony caused by traumatic experience.
- Feeling guilty for not being able to prevent violence inflicted on the parent.
- Grief over the loss of parent due to their separation if a child is forced to leave the family home with the other parent or when a parent ends up in prison.
- Confusing and contradictory emotions caused by a child's ability to simultaneously love and hate the abusive parent, combined with the fear of violent behavior.
- Fear of being abandoned by the other (remaining) parent, having been through the experience of watching the abusive parent being taken away from the family home.
- Distrust which may cause a child to have difficulties forming relationships, believing that violence is an inevitable part of any relationship with other people.
- Aggressive behavior manifested outside of the home, e.g., in peer relationships both in and out of school.
- A child who has experienced domestic violence may tend to over-conform to other people's demands, especially those of other adults, in an attempt to reduce the likelihood of the violence repeating itself.
- Depression as a consequence of overwhelming violent experiences, the feelings of helplessness and the lack of hope for a better future, which may lead to suicidal tendencies.

Parents Incarcerated on Domestic Violence Charges

When a parent ends up in prison on domestic violence charges, the child's emotional relationship with the absent parent does not end, nor does the child's need to maintain

contact with this parent. Situation may be even more difficult for a child if he/she has developed a strong attachment to the abusive parent: a child needs to realize that his/her parent has done something unacceptable to the family and was punished for it, but that it does not have to mean that he/she is worthless as a person or a bad father or mother.

The child whose parent was incarcerated on a domestic violence charge needs help to understand why his/her parent was punished and how parent's stay in prison may help improve the family situation later on. In other words, a child needs help to understand that parent's punishment does not mean that this parent has been discarded by everyone, including his/her own family. Otherwise, the child may come to believe that his/her parent was unjustly punished and come to hate those whom he/she holds responsible for injustice inflicted upon his/her parent (the other parent or family members, the system and the State).

At the same time, the perpetrators of domestic violence should undergo psychosocial treatment during their prison stay that would help them change their pattern of violent behavior towards their family members, learn to take responsibility for their actions, control their behavior and change their beliefs about "natural gender division of labor and male prerogative of dominance". In this way, the likelihood of future domestic violence decreases, which is of importance to every child. In such cases, the parent's prison sentence takes on a new meaning for a child (other family members and the perpetrator himself/herself) as it stirs hope that things would get better and that is what matters in life of the child.

The situation is particularly complex when the victimized parent (in most cases the child's mother, usually a victim of long-standing and escalating violence) has a say in decisions on the child's contacts with a parent in prison. The victim's arduous and traumatizing experience, distrust of the perpetrator and fear about the child's future may justifiably lead to attempts to prevent the child's contacts with the incarcerated parent or to reduce them to a minimum.

Restricting a child's contacts with the parent incarcerated on domestic violence charges is in itself neither good nor bad for a child. Hence, in each individual case we need to carefully assess and monitor these contacts to decide whether they are in the child's best interest or not. On one hand, such contacts ensure that the child's emotional needs are fulfilled (and the parent's as well) and positive attachment maintained. But on the other hand, they create possibilities for negative parental influence on a child with respect to the interpretation of causes of violence (perpetrated prior to incarceration) and the formation of bad relationships with the other parent or members of the family. When parents have different arguments and interests, the responsibility of a professional entrusted to assess the contacts and monitor their consequences, gains more importance. While doing so, the professional will make use of the knowledge he/she possesses of the previous

relationships between a parent and a child, observe their interaction during visitations, analyze the attitudes of the incarcerated parent and the parent on the outside, etc. The process of assessment regarding the frequency and form of contacts implies working with both parents and the child himself/herself.

Maintaining parent-child contact is important for their relationship. Occasionally, travel distance, time and cost may get in the way. Visitation rules are one of the most important reasons why children do not visit their parents in prison more often (Christian, 2005). Security measures and the environment in which parent-child interaction takes place are typically unfit for children and decrease a child's willingness to visit his/her parent. Research has shown that children are more willing to visit a parent in prison if there are special child-friendly spaces (Boswell & Wedge, 2002). In order to maintain the child's contact with his/her incarcerated parent from afar, video communication may be used (Hariston, 2007). In such a situation, children and families go to a designated institution (e.g., a court) where a video communication system is set up for this purpose. This communication, like any other form of communication, may be monitored if necessary.

Although the majority of parents want their children to visit them while they are serving a prison sentence, there are those who nevertheless avoid such visits. Hariston (2007) indicates that this is mostly the case with short-term sentences or when parents consider that visits would be too emotionally upsetting for them and for their children. Sometimes, incarcerated parents do not want their children to visit them because they believe it would be better for a family and children to move on with their lives and leave him/her behind; they are ashamed to have their children see them in prison or want to keep their children away from other prisoners.

Children seldom refuse to visit their parent in prison (Boswell & Wedge, 2002). However, when they do, the reason is mostly that they the parent or sense that the parent does not really care about them, that the parent is unreliable or tends to neglect them.

When making a decision on how to maintain contact between children and incarcerated parents, one must necessarily take into account relationships that exist between a child, his/her incarcerated parent and the caretaker parent or guardian (Bouchet, 2008). Only from this perspective, and with the knowledge of adult relationship dynamics as well as of previous experience and relationships between children and their parents, may we identify the needs of everyone involved and tend to those needs.

Therefore, when deciding on the amount and form of contact between the incarcerated parent and the child through professional services which may be offered to parents and children alike, one should be always guided by an all-embracing assessment of what is in the child's best interest and base it on one's professional decisions about each individual case.

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*Ljiljana Vukota**

PROROK PROGRAM: PROMOTING PARENTAL COMPETENCE AND REDUCING THE NEGATIVE IMPACT OF FATHER-CHILD SEPARATION DUE TO IMPRISONMENT**

Positive penological practice in working with prisoners traditionally has been included in treatment programs. These programs were included as part of a rehabilitation and re-settlement model, which expanded to include several special treatment programs, more or less compatible with programs carried out in civil hospitals and out-of-hospital for drug and alcohol-addiction treatment programs. Soon after, other treatment programs were offered, for example for persons who committed traffic offenses, domestic violence and crimes against sexual freedom and morality. Experts in their specific fields of treatment became increasingly oriented toward programs that provide support for the prisoners' needs, realizing that, based on scientific indicators, only a treatment focused on risks and needs of inmates yields satisfactory results with respect to rehabilitation and relapse prevention.

Thanks to the commitment of the Bureau of Prisons, several projects aimed at educating program staff to work with groups with specific needs were set up. These training sessions helped promote treatments targeting specific groups, reaching a greater number of inmates and deepening the intensity of the treatment. As a result of these efforts, a program promoting parental competence was designed with the aim of offering as many diversified programs as possible for prisoners with specific needs. In 2007, over 17,000 persons of varying status (sentenced prisoners, remand prisoners and inmates convicted of misdemeanor charges) passed through the correctional system (prisons and correctional facilities) of the Republic of Croatia. On December 31, 2006, there were

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** The program, designed in 2008, was not implemented in correctional facilities and prisons until May, 2009, as it required cooperation with external organizations working with families and youth. Cooperation arrangements concerning Turopolje Penitentiary and Varaždin Prison are in progress.

4,290 individuals within the prison system. The consequences of the incarceration of these men and women primarily affected their families, especially their underage children. This was the main impetus for the Head Office to develop a program focusing on relationships between incarcerated parents and their children⁹.

Analyzing the Basis for Program Implementation

The program targets male and female convicts who are currently serving their sentences. The basis of the program focuses on *the rights guaranteed to prisoners by law* and values promoted in our society — the children’s right to grow and develop with orderly family circumstances and the parent’s right to fulfill his/her parental role (Knezović et al., 1989). With the exception of specific situations and offenses where a prisoner is restricted from contacting their child or supervision of parental care is ordered, a large majority of inmates retain all their parental rights during incarceration, even if they were convicted of offenses against children. This program should ensure that parental rights and roles are appropriately respected and carried out.

The impetus for this program arose from the provisions of Article 117 (Subsection 3) of the Execution of Sentences Act, stipulating that a correctional facility should create a child-friendly visitation area in accordance with its possibilities. This refers, first of all, to preschool and elementary school-aged children. That is why the program was designed to suit primarily children under the age of 14 and not all underage children. An additional aim of this program is to create a broader circle of socialization and the possibility of getting counseling or support, which is more available for older children through educational institutions, and they may receive help on their own initiative in high school. This does not imply that there is no need for intervention to aid in communication and foster a father-child relationship at the adolescent age, but this program should be modified or a new program designed to suit that purpose.

The population of fourteen prisons, six penitentiaries and the prison hospital in the Republic of Croatia is comprised of men and women serving prison sentences after being validly convicted by a court of law. Approximately 30 to 40 per cent of the inmates are parents of children under age 14. Prisons and the hospital are “closed” facilities, while out of six penitentiaries one is an “open” facility, three are semi-open and two are closed facilities. The incarceration system promotes the concept of rehabilitation. The main purpose of incarceration, aside from the humane treatment and respect for the dignity of persons serving prison sentence, is for inmates to undergo training that will prepare

⁹ The program is funded by the Ministry of Justice and the Bureau of Prisons, and is intended to be implemented in correctional institutions. Later on, a modified version of the program may be offered to (and co-funded by) certain non-governmental organizations, the Ministry of Families, Veterans’ Affairs and Intergenerational Solidarity and the Ministry of Health and Social Welfare, – Social Welfare Centers. Financial support would also be provided for visitation expenses of prisoners’ families (reimbursement for travel expenses, etc.).

them for life outside of prison in accordance with the law and socially accepted norms. The purpose of punishment can be achieved through the model defined by the law and subordinate legislation.

It is prescribed that such institutions are obliged to provide the conditions of incarceration that closely resemble to those prevailing in society. The rehabilitation approach favors the use of different stimulation methods in order for inmates to change their behavior and develop a sense of responsibility for the offenses that they have committed. This is endorsed by certain privileges, especially the privilege of frequent contacts with the outside world, such as telephone contact, different types of temporary release to visit their families or spend their vacation at home, and the right to receive visits by their families and underage children in a prison or penitentiary. This program focuses precisely on the child's right to visit his/her father and the inmate's right to have his child visit him, escorted by his/her mother, a guardian or other adult if a child is younger than 14 years of age.

Taking into consideration the tradition of rehabilitative approach to the serving prison sentence, the system of privileges established by the Execution of Sentences Act and the Prison Rules on Privileges is rather diversified and widespread. In accordance with Articles 130-131, prisoners are granted the possibility to use leave privileges to visit the town in which the prison or correctional facility is located, accompanied by a family member or other person approved by the prison manager; to visit their hometown or current place of residence to see their family; and for emergency leave or to spend their vacation at home. In open and semi-open type penitentiaries (four out of six penitentiaries), prison leave may be granted to inmates after they have spent at least one month in the institution, provided that legal requirements contained in Article 131 (the Execution of Sentences Act) are met and that the efficiency level of the incarceration program is determined to be at least satisfactory. The practice has shown that most inmates make use of this privilege after they have spent a month or two in the penitentiary. The amount and duration of prison leaves, as a form of exercising their privilege, are defined by the law and restricted to 120 hours per month in a semi-open facility and 144 hours per month in an open penitentiary or an open ward of semi-open penitentiary. The number of prison leaves granted to inmates to visit their hometown or spend some time outside of the prison accompanied by their visitor depends on the determined efficiency level of a certain program.

In closed penitentiaries and prisons, an inmate may be eligible for leave after serving one-third of his/her sentence or one-half of his/her sentence respectively, provided that he/she fulfills the legal requirements contained in Article 131, uses up to 96 hours of leave per month and leaves prison accompanied by his/her visitor. The number of leaves that an inmate applied for to visit his/her hometown and the number of leaves that an inmate takes accompanied by his/her visitor depend on the assessment of efficiency of certain incarceration programs.

Table 1

Number of inmates and the number of leaves granted in 2007 in semi-open type penitentiaries

Penitentiary	No of Inmates	No of leaves	Average No of Leaves per Inmate
TUROPOLJE	262	2965	11
LIPOVICA	399	4084	10
POŽEGA	237	2185	9

The data shown in the table refers to semi-open penitentiaries. It is observed that a large number of inmates have taken leaves on weekends and proportionally made less use of visitation privileges in relation to the number of leaves taken. If a father visits his family two or more times a month, the number of visits to the prison for the child decreases. Visits to the penitentiary are usually intended for an inmate to spend his furlough time with his family/child. However, while they are not yet eligible for leave, inmates receive many of the visits by their families on penitentiary premises. In most cases, this applies to the first month of incarceration. There are fewer inmates who do not exercise their leave privileges and maintain contact with their families strictly through letters, telephone calls and visits to penitentiary. The issue of maintaining contact with children is not so marked in semi-open conditions.

Table 2

Relation between the number of inmates exercising privileges and the number of inmates who do not exercise such privileges in Turopolje Penitentiary

Prison Population Over the Period	No of Inmates Exercising Leave Privileges	No of Inmates not Exercising Leave Privileges
2006 = 232	178	58
2007 = 262	185	77

Among inmates not exercising leave privileges are fathers of underage children – a group that we should pay more attention to in terms of reducing the negative effects of separation. It is encouraging to note that this observation is not relevant for all stages of incarceration; a large majority of those who have not taken leaves while serving the first part of their sentence exercise this privilege later on, when necessary treatment and security requirements are fulfilled.

Table 3

Number of inmates with children under age 14 in relation to the total number of inmates as of February 11, 2008

Penitentiary	Total No of Inmates	No of Parents of Children Under the Age of 14	Percentage of a Total No of Inmates	Total No of Children
TUROPOLJE	130	48	37%	86
POŽEGA	125	32	26%	46
LIPOVICA	193	46	24%	79

The Turopolje Penitentiary holds, in terms of percentages, the highest number of inmates who are parents of children in the age group under observation and most of the children accordingly.

Table 4

Inmates having children under age 14 – results of the survey conducted among the Turopolje Penitentiary and Lipovica Penitentiary staff

POLL QUESTIONS	TUROPOLJE PENITENTIARY N=262 (2007) N=130 (February 11, 2008)	LIPOVICA PENITENTIARY N=399 (2007) N=193 (February 11, 2008)
Number of parents having children under the age of 14 (2007)	83 (34%)	159 (40%)
Number of inmates who received regular children' visits (2007*)	16 (19%)	53 (33%)
Number of parents having children under the age of 14 (on February 11, 2008)	48 (37%)	46 (29%)
Number of inmates who received regular children' visits (by February 11, 2008)	5 (10%)	16 (35%)
Number of inmates who sought help from professional staff for having parent-child relationship problems (2007)	3 (1%)	10 (3%)
Number of inmates who sought help from professional staff for having parent-child relationship problems (by February 11, 2008)	1 (2%)	3 (7%)

* Visits occurring at least once a month are considered regular.

Very few inmates seek help from professional staff for experiencing parent-child relationship problems, mostly because of a lack of insight into their actual parenting skills and qualities, and the quality of relationships between them and their children. A cursory glance at the table reveals that inmates held at Turopolje Penitentiary receive more visits by their children and that the number of inmates who sought help from professional staff is slightly higher.

Table 5

Children's visits and the need for intervention – results of the survey conducted among inmates on February 11, 2008

POLL QUESTIONS	TUROPOLJE PENITENTIARY N=40*	LIPOVICA PENITENTIARY N=46
I have preschool-aged and school-aged children	25 (63%)	25 (54%)
I have school-aged children	15 (37%)	21 (46%)
My children visit me regularly	13 (33%)	10 (22%)
My children rarely visit me	6 (15%)	4 (9%)
My children do not visit me at all	21 (53%)	32 (70%)
I have parent-child communication problems	3 (7%)	0
I need professional help to improve my relationship with my children	1 (3%)	5 (11%)
I would like parent-child activities to be organized at the penitentiary	5 (13%)	7 (15%)

* N – indicates the number of inmates who participated in the poll.

To check how often children come for a visit, what the perception of communication with children is and how pronounced the inmates' need for intervention is, a survey was conducted on February 11, 2008 among inmates held that day at Turopolje Penitentiary and Lipovica Penitentiary. Survey results have shown that there is a rather high percentage of children not visiting their fathers at the penitentiary; that the most common reason for this is the fact that fathers take leaves to visit their families at home; that most inmates do not encounter communication problems with their children and would not like some parent-child activities to be organized at the penitentiary. It should be stressed that this data says nothing of the actual parental competence and quality of communication, but indicates the inmates' perception, that is, their potential ability to recognize the need for help. There is a record of a certain number, though rather small, of inmates who expressed their wish to have parent-child activities organized, and would welcome parent-child activities aimed at strengthening their parental role and upbringing competencies.

Targeted Group – Inmates Exercising Their Privileges

During 2006, the Children's Ombudsperson received data on the number of inmates having children under age 14 and the total number of children's visits to their parents at Turopolje Penitentiary. These data were recently reanalyzed (Table 3). As shown in the table, the number of inmates with children in this age group is not negligible. However, when it is considered in the context of the number of visits, we reach the conclusion that a relatively low number of inmates are visited by children under age 14, and these are mostly inmates who do not exercise their leave privileges.

Table 4 shows data on the number of inmates and the number of fathers of children under age 14 serving sentences in several penitentiaries in the Republic of Croatia on February 11, 2008. Yet, more important than the number itself is the qualitative analysis that will be performed under the PROROK program, as the basis for recommendations to fathers seen to belong to the target group to be included in the program.

The program is focused on the following:

- Inmates who maintain the type of contact described in Article 3 of the Execution of Sentences Act – children visiting penitentiaries or prisons at least once month
- Inmates who were convicted and sentenced to more than 6 months in prison, when the program is conducted in the penitentiaries; when conducted in the prisons, the program focuses on sentences of all lengths, even the shorter ones
- Inmates who want to improve their communication with their children, and inmates faced with disrupted parent-child communication and deficient parental competence.

The Goals

The goal of individual and group work is to strengthen parental competence (Juul, 2002); to educate parents about the stages of child development and the difficulties faced by children of incarcerated parents; to improve communication (Ajduković & Hudina, 1996) and relationships; to reduce the negative effects of separation, the feeling of being isolated from a family and diminished parental role (Knezović et al. 1989). One of the goals of this program is to develop and strengthen parenting skills, including communication skills with children, the expression of emotions, and the recognition and prevention of children's undesirable behavior (Juul, 2006).

Inclusion in the Program

Having received information about the program, the inmates apply for voluntary participation in the program. In cases involving disrupted relationships and offenses against children, inmates should be encouraged through the initial and motivational interview to join the program, and the program's progress should be closely monitored. In the most severe cases, contacts should be encouraged only if the assessment shows that they are in the child's best interest.

Responsible Behavior

The third item (regarding inmates who have been validly convicted and sentenced to prison) was determined because validly convicted offenders are committed to prison accompanied not only by a warrant of committal but also a social questionnaire containing basic information on family. In addition, inmates validly convicted and sentenced to more than six months in prison are referred to Division of Diagnostics and Programming, where professional opinions are formed, findings produced and individual prison-based programs proposed, while for all validly convicted offenders (even those who do not go through the Division of Diagnostics and Programming) undergoing the admission procedure, an individualized program is designed – in accordance with Article 69 of the Execution of Sentences Act. That program includes individual and group work and communication with the outside world and preparation for post-penal reintegration. These may enable one to predict, when necessary, improvements in family relationships, which is in certain cases the main theme of the treatment. It is exceptionally important to gain insight into the personality traits of each inmate, and their social and family circumstances and dynamics to assess the need for them to participate in the program. This especially applies to cases involving offenses committed against marriage, family and youth (violation of child support obligation, domestic violence, child/juvenile neglect and abuse) and

offenses against sexual freedom and sexual morality involving children. In such cases, Social Welfare Centers need to become involved in the assessment of necessity and justifiability of contacts. The offense itself does not necessarily imply that the contacts are undesirable. A decisive factor in decision-making is the child's best interest.

Child Protection

All activities envisioned and instigated by the program are primarily focused on the father, while those focused on children are limited to usual socialization contacts and to setting up areas in which children can play or engage in activities with their father. No professional help regarding intervention with children is available in the penitentiary. In case the assessment shows that there are certain difficulties in the child's psychophysical development, behavioral disorders, emotional problems or problems of any kind, the professional staff will advise parents to consult professionals specializing in work with children. Children are not residents in the penitentiary and the penitentiary has no legal duties or basis to work with children. The exceptions are contacts which may be classified in the sphere of protection and promotion of good relationships and communication between family members. Children need to be *protected against unprofessional treatment; appropriate hygiene standards must be ensured; organized activities must be completely safe and without risk of injury, and the area in which these activities take place must be child-friendly and non-threatening*. Where preschool-aged children are concerned, the standard is set by the activities, play facilities and furnishings used in kindergartens.

Program Staff

A treatment counselor will supervise each inmate program. This supervisor will hold a university degree: a social pedagogue, a pedagogue, a psychologist, a social worker or other professional trained in a relevant social humanistic discipline who has taken the state exam. These are professionals who, in the course of their studies, acquire knowledge necessary for work with people at any age throughout their lives. Additional knowledge, which makes them highly specialized in a specific field dealing with a particular demographic or issue, is acquired through participation in continuing education programs. Since the treatment counselors do not possess expert skills for interventions with children, the question arises here about what exactly the treatment professionals can do, regarding the legal responsibilities of a penitentiary or prison, and the fact that the client they work with is the father not the child or the family.

The counselor's interest in an inmate's family falls into the broad sphere promoted by the law: encouraging and maintaining contacts and working on improving relationships,

through specific inmate counseling. Typically, family interventions are indirect – through Social Welfare Centers, while direct contacts are established in accordance with individual programs carried out during the period of imprisonment: through telephone calls, conversations during visits, and when deemed necessary, field inquiries conducted at the family home.

The code of professional conduct requires each staff member, upon observing serious disorders within the family sphere, to notify the in-house expert team in charge of reassessing the individual inmate programs, and to make a recommendation on direct intervention by the Social Welfare Center or to advise family members to contact a relevant institution for counseling.

Professionals working in penitentiaries are sufficiently qualified to offer help in achieving better communication, and to provide direct counseling to inmates and thus indirect counseling to their families, steering them in the direction of relationship improvement. Indirect counseling to family members is conducted via telephone conversations or through conversations during prison visits. Inmate counseling gives direction toward the proper assumption of parental responsibilities and the acquisition of effective parenting skills.

How Are Programs Structured?

The program accepts up to eight participants, and sessions are conducted once a month for six months. The program combines group and individual sessions, i.e., with members of inmates' immediate family on a family visit day. For inmates who serve sentences shorter than 6 months, the program is modified – intensified and shortened.

Before an inmate is admitted to the program, an *introductory interview* has to be conducted during which the inmate is asked to fill out a personality inventory survey which is then used for assessing the quality of communication and ability to effectively parenting, as well as the inmate's need to be included into the program and his capacity for change and cooperation. After that, a meeting with applicants (groups of *eight or less* participants) is held to explain program goals and expectations, and the realistic program scope and shared topics.

The program supervisor *performs a group analysis*, determines the age of children who will be visiting, and evaluates communication and relationship quality. The supervisor also adjusts activities of the program to accommodate the children's ages, the number of participants, and the season.

At this stage an *outside professional* – a psychologist, a pedagogue or an expert working with preschool and school-aged children (depending on the focus group composition)

– joins the program by delivering an introductory lecture on child development, parenting skills and parental competence. This segment of the program may only be realized provided an arrangement or agreement has been previously made with a local educational institution or a counseling center to ensure that child experts are involved in the counseling.

Father-child communication workshops are held during the regularly scheduled visiting hours in accordance with the establishment's house rules. These visitations occur in the children's area in visiting rooms or within the individual family units. A suggestion is made to an inmate regarding general communication patterns, but the supervisor is not directly involved in the parent-child interaction.

The program offers an *individual conversation, analysis or counseling* to each of the participants in case of significant communication problems.

Following the group meeting and the child's visit, an evaluation of program participants is conducted using short evaluation questionnaires; another evaluation is performed by a counselor over the course of the program and after the program is completed.

Methods and Procedures

Introductory interview – the interviewer makes a detailed inquiry into the participant's family dynamics, relationships and communication quality, the course of his/her growing up, his/her parents' actions; parenting style is assessed; educational materials are offered.

Group meetings and workshops – held with the assistance of a professional brought in from an external institution or counseling center for parent education, raising awareness to problems of children of a certain age, and conducting conversation on difficult subjects.

Individual conversations – if there exist issues, the conversation initiated by an inmate or the supervisor aims to gain a deeper understanding of the problem, analyze the problem, examine the etiology (i.e., what is causing the problem), assess the capacity for change, and to provide advice and support.

Parent-child workshops – may be carried out within an individual family or with a group. Depending on the weather, workshops may be held in a closed place or open space, e.g., in a park. The program appendix contains information on a selection of activities for preschool children and the detailed topics to be used in communication with school-aged children.

Final Considerations

The PROROK Program was created in an attempt to offer as many programs to address the risks and needs of the offender as possible within a given framework of inmate treatment programs. Moreover, another major reason was to show that, within the scope of an individual prison-based program in Croatian prisons and penitentiaries, great consideration is given to family, family relationships and, in this context, to treatment of children. It was recommended that the program be conducted in a group due to the value of structured group work and other practical purposes, but it may also be carried out with individuals. Considering that the program was mostly created on the basis of the analysis of the inmate population in semi-open conditions – where no considerable problems in communication with children were recognized – it is designed for voluntary participants who seek to improve their communication with children and strengthen their parental role and competence— provided that certain modifications are made and emphasis is focused on changing patterns of upbringing, methods and processes as well as on learning consequences of neglect or abuse of any kind.

The PROROK Program may provide a solid foundation for development of a special program intended for male and female inmates, but also for male and female convicts serving alternative sanctions upon conviction for an offense committed against marriage, family or youth, such as, a violation of child support obligation, domestic violence and neglect or abuse of a child or a minor. This would certainly be in the spirit of general trends in the society to promote children's upbringing by allowing them appropriate psychophysical growth and development in a safe environment, and to sanction acts committed against children that may have long-term or even irreversible effects on a child's growing up and forming of his/her personality through legislative, executive and judicial branches of government, social welfare institutions, nongovernmental organizations and the Children's Ombudsperson institution. This could be an applicable way to attempt to prevent transgenerational transfer of negative behavior patterns and to stop generating potential new abusers, at least those whose pathology has its roots in family upbringing and environment.

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MEDIA STIGMATIZATION OF CHILDREN

“I know that other children would hate their father
for killing their mother, but I love you, dad!”

Večernji list, July 18, 2007

Coverage of crimes or accidents represents an important part of reporters' work and mass media are the primary source of information and analysis of crimes and offenses for most people (Cavender, 2004). Nonetheless, At the same time, it is a bureaucratized reporting process where reporters rely on sources which obtain information instead of them (e.g., police or medical services), while the editors and reporters attempt, in every way available to them, to catch the attention of consumers with market-oriented media products (Fishman, 1980). This is most easily achieved by appealing to emotions, and the headline quoted at the beginning of this article best illustrates a human tragedy wrapped up as a media product intended for the masses.

Crimes involving children or their parents' incarceration draw media attention, especially when it comes to tabloid forms of journalism; such, too, is the case with Croatia. For this reason “the media tend to focus on the most unlikely offenses, particularly violent offenses, as a way to set up the crime problem and create fear.” (Dawn, 2007). Anything concerning children, especially their misfortunes or unpropitious fate, will inevitably result in even greater focus on dismal news and crime reports. From the perspective of a market model (Croteau & Hoynes, 2006) it is an understandable approach, which should be limited only by journalism ethics, self-regulation and codes of ethics. In other words, there is nothing disputable in seeking to make a profit over a short period of time, stirring up the masses and selling blood and crime as long as there are people out there who want to buy it, but it is intolerable to make children either a subject or an object of such news coverage. The problem with the market model is that it allows publishers enormous freedom and possibilities. Ultimately, all problems arise from the fact that the media laws enacted by the State are not fully enforced by the same State. Under such circumstances it is virtually impossible to protect children's rights and comply with international conventions and legal

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regulations that have been signed by Croatia over the past few years. The market simply becomes so powerful that it dictates new trends, and unless the legislators enacting laws do not oversee their enforcement, the media is actually out of control in such situations.

Regardless of whether a legislator endeavors to supervise the enforcement of the laws, each reporter covering incidents involving children has to adhere to professional standards and criteria of the Code of Professional Conduct, that they voluntarily committed themselves to follow. It is also important to acknowledge that the reporter's approach to a particular subject, as well as his/her prejudice and personal experiences, determine the quality of news coverage. However, it should be clearly stated that every good intention of a knowledgeable, well-informed reporter may be threatened by his/her editor's decisions regarding the text design. If crimes, accidents and politics (Kanižaj, 2007) are dominant subjects of Croatian news media coverage, we can hardly expect the editor to assign the rest of the newspaper space to educational content. It is easier (and less expensive) to practice a superficial, informative or semi-informative approach that provides a few facts taking up little space so as to enable us to get a real feel and a true glimpse of the story. Hence, it is much easier to add any "display copy" (such as article titles, headings, sub-headings and photo captions) intended to shock and catch the reader's attention. This is precisely the reason why such front pages bring in profit.

While reading today's newspapers, you may learn in a matter of minutes everything about other people's tragedies, details of the crimes, their victims and the assailants, but more and more frequently you may also come across the reporter's opinion on a certain felony. Newspapers go to great lengths to "bring" blood onto a paper, which sometimes can really take a lot and it is the only way to be different from others. Yet, in the process, the reporters or, we had better say the editors, only consult psychologists on the impact of publishing such information in the media in exceptional cases. It seems as if the reporters exercise some sort of postmodern belief that should pardon all media workers for their ignorance and from the consequences of publishing information. Do editors nowadays, before publishing a story involving children, give priority to consulting a lawyer on how to avoid possible lawsuits rather than a psychologist on long-term effects of media content on a child's upbringing in such case?

This may be the reason why the reporters and editors increasingly treat children as regular sources of information and frequently quote their statements, often with the formal approval from their parents. Children become main characters of the story, while the adults relate to the same story, but with serious consequences. It is hard to imagine anything worse than a parent allowing media to make a star or a victim out of his/her child, and convinced that he/she is doing a good deed at the same time. In fact, the only worse scenario would be a situation where such story is written by a young reporter who thinks that he/she is doing the right thing but not only had he/she not read all legal regulations

or conventions pertaining to children and simply does not possess necessary experience. Such cases require a vigorous response from social welfare centers and society's support in sanctioning and educating the parents who evidently do not realize that media exposure may also have harmful effects. Children deserve for us to consider, before acting, whether our actions may at any time or any way negatively reflect on a particular child. Not to do that would mean to fail to fulfill our essential parental duties.

In situations where one parent is in prison, raising children may be quite an undertaking. The undertaking consists not only of protecting children early enough, but also in ensuring the best possible communication in disrupted to interpersonal relationships between family members. Yet, when it comes to children without parents (or those who have suddenly lost parents, as in the example at the beginning of this paper), it seems at times that reporters are trying to send out a message that, by covering such incidents, they actually contribute to caring for children, often perhaps only aiming to warn the relevant institutions to react quickly enough and to make sure that they are doing everything in their power to protect those who are yet unable to defend their constitutional rights. The responsibility, therefore, lay primarily with the reporters who should caution the parents against all potential positive or negative outcomes of the story. In a crisis situation parents are simply too shocked to be able to make decisions in the best interest of the child. We expect that at least the public television to sanction reporters and editors acting against the interest of the child. Ignorance must never become an excuse for public, let alone commercial (private) media.

Children of incarcerated parents must be viewed in this context. One must then bear in mind three possible relationships, i.e. levels at which the subjects meet or affect through their actions the final outcome of child's upbringing, education and socialization.

Parent-Child Relationship

This level actually encompasses, from the child's perspective, a vitally important social dimension. Prisons and the prison system may, through their activities and organization, affect communication between the two sides of one's life and may make the life easier for a child separated from one parent for some time. The existing literature suggests that children of incarcerated parents face different negative consequences, especially when their emotional health, contacts with parents, physical care and guardianship are concerned (Johnston, 1995a, 1995c, as cited in Lee, 2001).

A degree to which the child will be publicly exposed due to his/her parent's incarceration, depends on a great number of variables, including their age at the time that a parent-child separation occurs, the length of a period of separation, the health of his/her family, the discontent stirred up by parent's incarceration, the child's understanding of the situation,

the appointment of a new guardian, the strength of a parent-child relationship, the amount and the impact of previous parent-child separation, the nature of crime committed by a parent, the sentence length, the availability of family and community support and the level of stigma that the society associates with incarceration (Gaudin & Sutphen, 1993; The Osborne Association 1993, as cited in Lee, 2001).

Fragile relationships that parents strive to maintain with their children during their incarceration may be broken very easily. Despite the immense efforts of the community and the professionals, there are times when one has to go to great lengths to keep the family together. Media stigmatization may prove to be disastrous in such cases.

Parents-Children-Media Relationship

When we come to realize that we cannot cut media from our lives and the daily operation of the prison system and that media coverage may render the already irregular communication with the parent in prison either easier or more difficult, one may critically observe the existing relationships with less difficulty. At a time like that, the quality of upbringing proves to be decisive. While some children attach no importance to media content, or even, in certain situations, are unaware of the risks of media stigmatization, other children consume media intensely in the very period of separation. We would be wrong to say that such a situation is harder on one child and easier on the other, yet it would be interesting to explore the thesis that, when public figures are concerned, children, perhaps, mostly read what other people write about their parents. It is as if children were required to bear the burden thrust upon them by their parents. They indeed become media characters, almost as adults.

Could media help the parents maintain contact with the child more easily? May we even at this time mention the role of media in education, which is critical to establishing trust? Are they aware of the consequences of covering stories on children of incarcerated parents or the parents themselves?

If a parent ends up in prison, there is a great likelihood that a child will be stigmatized in the community. Hence, the revelation of parents' or children's identity must be prevented at all costs. Media should be guided by their editorial policy and selection criteria, while the child is left without protection because it has lost a parent. Media will, naturally, instantly report on the incident, perhaps without revealing the one's identity, but it will be enough to know whose parent or parents the story is about, the news will spread, reporters will keep coming back for new information day after day and the child, left without a parent, will either try to resist or answer their every request. No child should find himself/herself in a situation to make decisions about these matters.

Media–Prison System–Citizens–General Public Relationship

Prisons and penitentiaries are closed institutions which emerge in the public mind and attract media attention only when a crime takes place (Surette, 2007, as cited in Dawn, 2007). However, prison topics represent an area of interest to the news media for they involve unusual life situations and fate, and this kind of front page news sell the papers, especially tabloids. Since this area rarely gets coverage, each published article is exceptionally important, and negative articles may thereby gain considerable attention and media space. In the eyes of the public, only riots, runaways and other rare occurrences have some journalistic value (Chemark, 1998; Lipschultz & Hilt, 2002, as cited in Dawn 2007).

Another risk to the perception of the prison system and consequently, to the protection of children of incarcerated parents, represents the increased media attention given to the so-called popular inmates who are closely followed by media but through whose stories the public perceives the overall status of the system. When was the last time you read a newspaper article describing the fate of children of incarcerated parents? We also do not recall reading articles on the issues of such children's upbringing but can read more and more of the special status and conditions of famous criminals in Croatia.

Parents who find themselves in the prison system are not allowed to communicate with the majority of the Croatian public. The public, on the other hand, form their views of inmates (and of their families) on the basis of their image created by the media—not to mention the importance of family integration, that is of inmate rehabilitation. This is a crucial challenge that each parent or a temporary guardian of the child needs to face. They should also do everything in their power to contribute to the reestablishment of trust, but, even more so, to protect the child's identity.

Partnership for Protecting Children of Incarcerated Parents

“Children watched their grandfather stab their parents.”

Jutarnji list, August 10, 2007

What should one do to make those who are responsible, such as editors, publishers, reporters and the public, realize that these children do not deserve to have the story of their fate filling the pages of the newspapers? The current lack of responsibility should be overcome by social welfare centers, professional associations and educational institutions, but also by courts through the consistent enforcement of the laws. Previous experiences have proven that it does not take a great deal to make a difference. Reporters covering the daily operation of the prison system and related topics need to ask themselves some questions and look for answers before publishing any information regarding these

children. It is intolerable that children in crisis situations are transformed in the eyes of the media into adults, but always only in the context of occurrence, for they will rarely have a chance to tell their version of the story. There is a strong likelihood that their testimony will be used for an emotional appeal, which is best illustrated by the example at the beginning of this section.

Is there anything good that media can do at such a time? Skeptics would say that media should not report on such topics because families undergoing trauma might only benefit from it slightly. This approach has its negative sides, and it is much better to report on anything in the public interest, but always by addressing a problem and not a person – an individual. The help that media can provide through a sensitive approach, and careful decision-making and news selection, is immeasurable. Nobody expects them to be psychotherapists or judges; other institutions are charged with such duties. Today reporters are, more than ever, required to investigate the problem and report impartially on it, respecting the dignity of the persons whom they are writing about. Children at least deserve to not have their fate boost the circulation of newspapers that are unable to capture readers in any other way but by emphasizing strong emotions or tragic human destiny.

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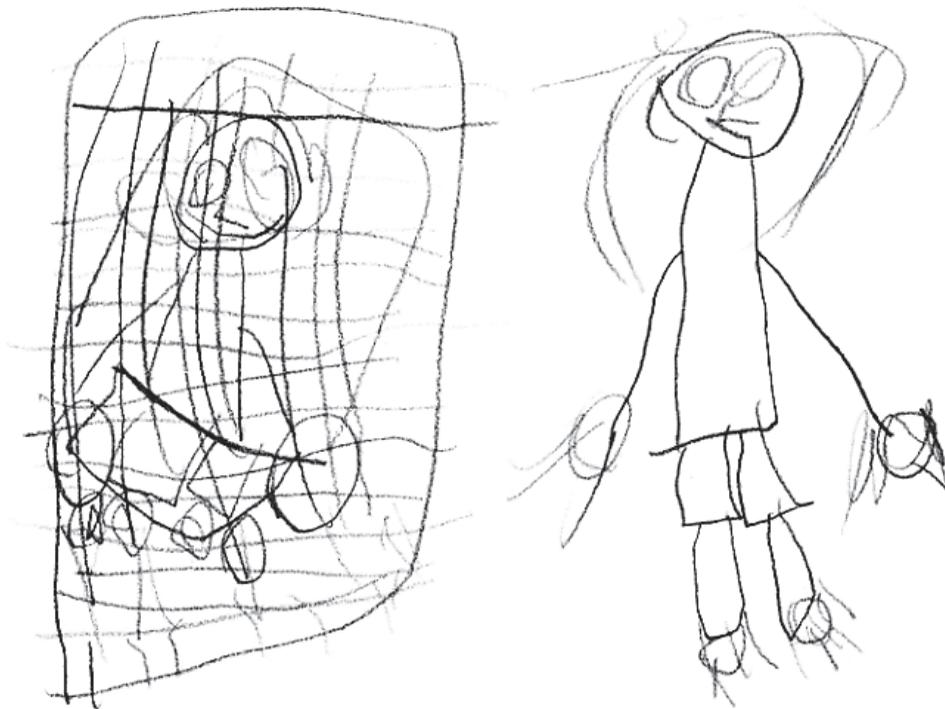
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PANEL CONCLUSIONS

The Rights of Children of Incarcerated Parents, February, 2008

- In a system involving courts, police, social workers and teachers, one must necessarily recognize the needs and special issues of children of incarcerated parents.
- A child has the right to maintain contact with a parent in prison and this right may in no way be related to the inmate privileges.
- Each prison must ensure adequate conditions in which parent-child visits can take place, allowing the child and his/her parent to be in direct contact, unobstructed by glass panels or other obstacles.
- One must make funds available to improve contacts between children and their parents in prison (children's play areas in visiting rooms, help with travel costs, arranging for an adult person to escort a child to prison ...).
- One needs to provide funding for education projects designed to train the staff in all departments dealing with children in recognizing the needs of children and families of inmates.
- One needs to develop programs to promote parental competence aimed at reducing the harmful effects of parent-child separation during incarceration.
- Prisons and the Bureau of Prisons, the Ministry of Justice, must keep record of prisoners having children containing information on children's ages, the number of children per family, children's place of residence, potential restrictions to parental care and the visits.
- In cases where parents are unable to reach consensus on frequency and type of contacts, one must ex officio initiate proceedings leading to the decision on contact between a child and his/her parent in prison, due to altered circumstances.
- Court proceedings to determine parent's visitation rights must be conducted urgently, i.e., they must be finalized within two months.
- One must help a child understand what his/her parent was punished for and why he/she must remain in prison.
- Children of incarcerated parents may in no way be exposed to media coverage as it threatens their privacy. The approach allowing the child's identity to be revealed and children to be identified with the misdeeds of their parents (and attacked for them) is intolerable.
- Each individual case requires professionals to make an assessment of what the child's best interest is, in view of his/her contact with the parent in prison.



Girl (age 6), drawing: When I go to visit my dad in prison ...
(guardian's informed consent was obtained for publication of this illustration)

THE RIGHTS OF CHILDREN OF INCARCERATED PARENTS
Proceedings of the Expert Panel Meeting

Zagreb, 2013.

The Ombudsperson for Children of the Republic of Croatia

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