

Youth, Rights & Justice

ATTORNEYS AT LAW

My name is Caitlin Mitchell and I am a staff attorney at Youth, Rights and Justice, a non-profit legal organization that provides representation and advocacy to children and parents in child welfare and juvenile delinquency proceedings. As part of my job, I represent incarcerated parents who have open child welfare cases, as well as children in DHS custody whose parent or parents are incarcerated. There is a significant overlap between families that are DOC and DHS involved, with conservative estimates that 10% of incarcerated mothers and 6% of incarcerated fathers have at least one child in foster care.¹

Laws and policies related to jails and prisons are not designed with kids in mind. Yet because so many of the adults who go to prison are parents, children often face serious collateral consequences. For example, in the context of child welfare cases, one of the greatest consequences is that the parent-child legal relationship may be severed completely through termination of parental rights. The Adoption and Safe Families Act (ASFA, 1997) requires states to file a termination of parental rights petition after a child has been in foster care for 15 of 22 months, subject to some exceptions. Fifteen months is a much shorter timeframe than the typical prison sentence, and so incarcerated parents are at particular risk. Parents in prison can work to maintain their parental rights by staying actively involved in their children's lives; however, policies around communication and visitation often create additional barriers for families.

Another example of a policy that has collateral consequences for children is that some jails no longer offer in-person visitation; the only kind of visits that are available are over a video monitor. While there are undoubtedly security and other reasons that underlie this, it makes it very difficult for young children and babies to maintain contact with parents.

At YRJ, as children's attorneys, we try very hard to bring the child's point of view into child welfare proceedings. SB 241A asks us to consider the child's point of view when we create the policies and rules and regulations that affect them. I ask you to support this bill.

¹ J. Mark Eddy and Julie Poehlmann, eds., *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*, 268-69 (2010).