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Testimony to the Board of Correction
Submitted by the Center for Family Representation (CFR) October 16th, 2015
Presented by Susan Jacobs, Esq. Executive Director and President

Thank you for the opportunity to testify today regarding the Department of Corrections request for rule-making regarding several standards concerning visiting on Rikers Island.

The Center for Family Representation's mission is to keep families together. We provide parents at risk of losing their children to foster care with free legal assistance and social work services to enable them to parent safely and to help avoid what is often the costly and devastating impact of foster care on their children's well being.

CFR defends parents in family court when the City claims they are putting their children at risk.. Inadequate housing, lack of child care, and unemployment can often bring poor families to the attention of the child welfare system. 100% of CFR's clients live in poverty. Forth-three percent of our clients have criminal justice histories and many are incarcerated at any one time including on Rikers Island.

Since 2007, we have had a contract with the Mayor's Office of Criminal Justice (MOCJ) to represent indigent parents charged in Manhattan Family Court and since 2011, we have had a contract with MOCJ to represent parents in Queens Family Court. Each year, CFR serves 2,000 parents through our innovative model. Since 2002, we have served over 6,000 families facing separation. As recognized experts in our field, CFR trains hundreds of child welfare and court professionals each year, including judges, throughout the city, state, and country. We also participate in legislative and policy initiatives related to children and families at all levels of government.

The majority of our clients are people of color living in poverty. Many are co-involved in the criminal justice and child welfare systems or have criminal justice histories. The challenges to remaining together as a family for these clients are compounded by their multi-system involvement and the impact of rules, regulations and bureaucracies which govern their lives.

We are signatories on two letters to BOC to express concern about the proposed rule-making changes to the minimum standards for visiting at Rikers. I am here today to speak more particularly to the population of parents and children impacted by both incarceration and foster care who are doubly harmed by these proposals:

Visiting between children and parents who are separated by incarceration and/or foster care is cited in the research literature as the single most important factor in whether those families can successfully reunify.

Clinical research reveals three things: Meaningful and frequent visiting is the single best predictor of safe and lasting reunification.¹ Supporting a child's attachment to his or her parents through visits helps ease the anxiety and confusion that often surrounds foster care and/or parental incarceration

¹ See, e.g., Leathers, Sonya J. "Parental Visiting and Family Reunification: Could Inclusive Practice Make a Difference?" Child Welfare 81(4), Jul-Aug 2002, 595-616; U.S. Dept. of Health and Human Services, June 2006, 12; Pew Charitable Trusts, 2007, 15.

because when children can see their parents often and in circumstances that make them comfortable, they can talk with the people they most need to about what has happened—their parents. Children also hear from their parents what will and could happen and are assured that they will see parents and siblings regularly.

Visiting is at the heart of parent engagement. If parents are given the chance to still perform the parenting role, it enables them to continue the relationship with their children and inspires them to keep working on getting them home, including by participating in services such as treatment and counseling both in and out of jail. Quality visiting can help children preserve cherished rituals, share stories from school and social life, and continue to seek advice and encouragement from their parents, all of which helps them cope with foster care and eventually make a smoother transition home.

The proposed measures are extreme and have no demonstrated relationship to reducing violence at the jail.

In particular, investigations and delays in permission to visit as well as limitations on the type and age of contact visits will have detrimental impacts on children and their parents.

The proposed background checks will discourage visitors – many are parents taking children to see incarcerated parents. As referenced above, at least 43% of our clients are parents with some criminal justice history. Depending on how draconian these background checks are, they clearly will bar many parents who have NO ACTIVE criminal justice involvement from taking their own children to see a parent. In addition, many of the children are brought to the facility by relatives – this is often very difficult for an incarcerated parent to arrange and is a huge undertaking by the friend or relative given how hard it is to travel to Rikers from many of the neighborhoods our clients come from. Our staff work very hard to engage relatives to make these visits (whether our client is the visitor or the inmate) and arbitrary and intrusive hurdles will only reduce the frequency of visits.

Similarly, the proposals to limit contact visits for children will have a negative impact on parent-child relations and on the family's ability to re-unite after incarceration: Can you imagine seeing your child of any age after a period of separation and not be allowed to touch or hold that child? How can a young child draw with, play games or sit on a parents' lap when barriers are in the way whether the barriers are six inches or six feet tall?

Children need reassurance that their parents are ok and that they will be as well. Arbitrary decision making about when and how they can have contact with their parents defies both law and common sense: Regular and meaningful parent-child visiting for children in foster care, including when a parent is incarcerated, is required by the Family Court Act and Social Service law, state regulations, and the NYC Administration for Children's Services' policies.² The proposed measures fly in the face of the requirements for regular and meaningful parent-child visiting.

Thank you for the opportunity to testify on behalf of New York's families on these important issues.

² Family Court Act § 1030; see also Social Services Law § 384-b(7)(f)(5); ACS Memo, Deputy Commissioner Lisa Parrish (1999), Clarification of Visits to Incarcerated Birth Parents.