

# Breaking the Silence:

Dialogue on Children  
of Incarcerated Parents



Canadian Friends  
Service Committee





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# Preface

It is with great excitement that the Canadian Friends Service Committee presents “Breaking the Silence”, a report documenting an energetic and invigorating dialogue on the issue of children of incarcerated parents in Canada. The idea for this dialogue began many years ago, influenced by the work of International Quakers such as Rachel Brett and Oliver Robertson. Their commitment to children of incarcerated parents inspired the Canadian Friends Service Committee to focus on this issue within the Canadian context. This dialogue is one step in the journey of CFSC’s work with children of incarcerated parents, and our work to build a better criminal justice system based in a holistic and healing approach.

Breaking the Silence aims to capture the discussion and contents of the dialogue, as well as some of the spirit, passion and commitment of the participants to the children affected by parental incarceration. It is hoped that this

report as well as the ongoing work of the participants will draw attention to children who are often stigmatized, ignored and invisibilized in discussions about the criminal justice system and incarceration.

Further, we hope that this report inspires others to engage in this critical issue, to further the rights and well-being of children and families impacted by incarceration, and encourage the safety and success of all children in Canada.



Verena Tan  
Criminal Justice Program Coordinator  
Canadian Friends Service Committee  
15 March 2019

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## ACKNOWLEDGEMENTS

This event was held at Friends House Toronto, located on the traditional territory of the Wendat, Petun, and most recently the Mississaugas of the Credit River. We acknowledge that this land has been the site of human activity for 15,000 years and is the subject of the Dish With One Spoon Wampum, a sacred treaty between the Haudenosaunee and the Anishinaabek.

CFSC is extremely grateful to Public Safety Canada for the financial grant that enabled this dialogue to take place.

We would like to express our great thanks to Sarah Chandler and Tasmin Rajotte for their dedication and commitment to bringing this issue to the priority of CFSC. Many thanks to the current committee members Joy Morris, Dick Cotterill, Daisie Auty and David Summerhays for their guidance and work to plan and assist with the dialogue. A great thanks to Keira Mann for her exceptional work that made the dialogue possible.

A big thanks to all the participants and their organizations for their passion and commitment to children of incarcerated parents and their ongoing work in this area. Particular thanks to Yvon Dandurand and Vivienne Chin from the University of the Fraser Valley and the International Centre for Criminal Law Reform and Criminal Justice Policy, and Louise Leonardi from the Canadian Families and Corrections Network, for co-chairing the dialogue and their general support and assistance.

Finally, we would like to acknowledge children affected by parental incarceration, who face life challenges on a daily basis with strength and resilience.

## Introduction

Each year on 20 November, countries around the world celebrate Universal Children's Day. It is a day for children, marking the anniversary of the date that the UN General Assembly adopted both the declaration and the convention on children's rights, which Canada signed on May 28<sup>TH</sup>, 1990 and ratified on December 13<sup>TH</sup>, 1991.

Since this date, we have also witnessed the increase in the prison population of Canada, both men and women. The impact of incarceration is not just on the individual in prison, but also on families and communities, and particularly, children.

**Children of incarcerated parents are an often forgotten, invisible or ignored victim of the criminal justice system. It is unknown exactly how many children in Canada are affected by parental incarceration, but the numbers are undoubtedly very high. Based on the number of parents in prison, it was estimated back in 2007 that 357,604 Canadian children were affected by parental incarceration. With the increase in the prison population over the last decade, we expect that number is much higher.**

Research has demonstrated that there are far-reaching repercussions on children, of all ages, in all aspects of their lives, when their parents are incarcerated. Children of incarcerated parents experience complex, long-term effects on their psychological, economic, physical and social needs. This is especially acute if their needs and best interests are not prioritized during the process, beginning when their parents are arrested, to sentencing, into incarceration and subsequent reintegration back in the community.

Breaking the Silence documents a dialogue held in Toronto on January 24 and 25 in 2019, which brought together the people and organizations in Canada who support, give voice and advocate for the rights, needs and successes of children whose parents are in jail, prison or other forms of detention. While not every person or organization working in this area was able to attend, a variety and diversity of experiences and approaches were represented at the dialogue. It was one of the first opportunities for people working in this area to come together and discuss their work, share their knowledge and make connections across the country.

Research has demonstrated that there are far-reaching repercussions on children of all ages in all aspects of their lives when their parents are incarcerated.

During this dialogue, a few reoccurring themes arose from discussions: the need for change at both a grassroots level and high level policy action; the barriers and problems with the Mother-Child Program; the stigma and silence around children and families of incarcerated people; the systemic issues of poverty, racialization and gender; the lack of lived experience in decision-making; and, the connection and disconnection between child protection and the criminal justice system.

**In order to address some of these issues, the participants made collective recommendations in relation to four key areas: Systemic and Social Stigma, Legal Decision-Making and International Law, Visitation, and Incarcerated Mothers and Maternal Health.**

The experience, expertise and passion of these people working with children of incarcerated parents is documented into this report. Their recommendations point to the ways Canada can build a better community to support children of incarcerated parents, their families, and the broader Canadian population. We hope that these recommendations can become realized soon. We hope they inspire the Canadian community into action.

# Dialogue – The Details

**On 24–25 January 2019, over 35 organizations and individuals gathered at Friends House in Toronto, Ontario, to share, educate, collaborate and strategize about the impact and future of children of incarcerated parents in Canada. Each organization and individual attending held a wealth of experience, knowledge and energy towards addressing the impact of incarceration on children, and more broadly, the Canadian community.**

The dialogue created a platform and space for academics, organizations, researchers, front line staff and individuals to discuss and highlight the key issues facing children of incarcerated parents. At the dialogue, they also shared challenges in the work and collectively made recommendations for best practices and future direction in Canada. Participants represented a breadth of backgrounds and provinces across Canada, including persons with lived experience, direct service providers to children and families as well as researchers at the academic and international level.

In order to facilitate discussion, the dialogue was organized into a series of presentations and then group discussions. Participants were encouraged to engage in conversation, express their views and positions, and share their work and experiences involving children of incarcerated parents.

As a first event, the dialogue focused on bringing together community actors to connect and collaborate, before engaging in discussions with government or policy makers. Since there is not a current forum in Canada for organizations or individuals focused on children of incarcerated parents, this was an opportunity for initial dialogue and connection over best practices and activities. During the dialogue there was also discussion about future engagement in policy and legislative changes, as well those who were not represented or unable to attend, including children themselves.

The dialogue was organized by Verena Tan, the Criminal Justice Program Coordinator of the Canadian Friends Service Committee. A significant amount of time was spent researching and personally connecting with organizations and

people who were directly or indirectly engaged in work with children of incarcerated parents. Verena held face to face or phone call meetings with each participant organization or individual to discuss the topic and invite them to the dialogue. The model of the dialogue was based on policy dialogues developed by Quakers, often used by the Quaker United Nations Office, to bring people together to provide a space for conversation and connection.

Additionally, each participant received a gift from the Canadian Friends Service Committee: a copy of a picture book created by the Canadian Families and Corrections Network used to educate about children and families of incarcerated people. The books were ‘Jeffrey Goes to Jail’ a UN recognized publication, ‘Jeffrey’s Out of Jail’, ‘Jemma’s Baby Brother “IN JAIL”?’ and a new comic book, ‘Dead Ball Specialist: Can He Make The Right Play?’’, the first of its kind in Canada.

## **PARTICIPANTS**

Participants at the dialogue represented several provinces and various sectors of the community. Provinces represented were British Columbia, Alberta, Saskatchewan, Ontario, New Brunswick, and Nova Scotia. Organizations ranged from legal service providers, academics, child welfare agencies, family support services, Gladue report writers, not-for-profit organizations for children and families, maternal care services and social workers. Amongst these participants, some chapters of the John Howard Society and the Elizabeth Fry Society were in attendance, as well as the Office of the Correctional Investigator. Some participants in attendance also spoke from lived experience.

# Participants

PARTICIPANT	ORGANIZATION
Aisha Francis	Restore FIBI (Families Impacted By Incarceration) Family Restorative Services Inc.
Ayan Omar	Delta Family Resource Centre
Caitlyn Kasper	Aboriginal Legal Service
Connie Braun	Saskatoon Provincial Advocate for Children and Youth
Daisie Auty	Canadian Friends Service Committee
David Summerhays	Canadian Friends Service Committee
Dennis Whitford	2Thunder Consulting
Derek Reid	FEAT for children
Dr Bahhiyah Muhammad	Howard University
Dr. Erin McCuaig-Lambrinakos	University of Ottawa
Dr. Ruth Martin	Collaborating Centre for Prison Health and Education; School of Population and Public Health, UBC
Dupe Daodu	Childrens Aid Society Toronto
Elizabeth Leenher	Together overcoming darkness & despair, TODD foundation
Else Marie Knudsen	Trent University
Emma Halpern	Elizabeth Fry Society, Nova Scotia
Francisca Hamilton	Childrens Aid Society Toronto
Jessica Reid	FEAT for children
Johanne Vernet	Office of the Correctional Investigator
Joy Morris	Canadian Friends Service Committee
Keith Teller	Legal Aid Ontario
Linda Mussell	Queens University
Lisa Broda	Saskatoon Provincial Advocate for Children and Youth
Louise Leonard	Canadian Families and Corrections Network
Martha Paynter	Women's Wellness Within
Molly Barnes	Childrens Aid Society Toronto
Nolan Fontaine	OISE, University of Toronto
Reza Ahmadi	John Howard Society Ontario
Safiyah Husein	John Howard Society Ontario
Shawn Bayes	Elizabeth Fry Society of Greater Vancouver
Shawn Leenheer	Together overcoming darkness & despair, TODD foundation
Sparrow Preston	FEAT for children
Thomas Horn	Ontario Association of Social Workers, Forensic Psychiatry Program, St. Joseph's Healthcare Hamilton, Hamilton Ontario
Vivienne Chin	University of the Fraser Valley and the International Centre for Criminal Law Reform and Criminal Justice Policy
Yvon Dandurand	University of the Fraser Valley and the International Centre for Criminal Law Reform and Criminal Justice Policy

# Speakers & Presentations



**Verena Tan**

Criminal Justice Program  
Coordinator of Canadian Friends  
Service Committee and  
former criminal lawyer.



**Dr Bahiyah Muhammad**

Assistant Professor of  
Criminology in the Department  
of Sociology and Anthropology  
at Howard University



**Yvon Dandurand**

Criminologist, Professor Emeritus,  
School of Criminology and Criminal  
Justice at the University of the Fraser  
Valley and Fellow and Senior Associate  
of the International Centre for  
Criminal Law Reform and Criminal  
Justice Policy, a United Nations  
affiliated research institute.



**Johanne Vernet**

Senior Investigator,  
The Office of the  
Correctional Investigator



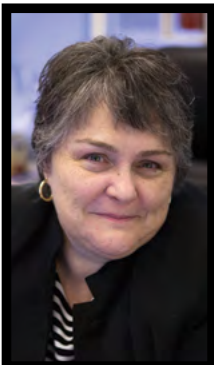
**Vivienne Chin**

Senior Associate at the International  
Centre for Criminal Law Reform and  
Criminal Justice Policy, Vancouver,  
Canada, a United Nations affiliated  
research institute



**Martha Paynter**

Registered nurse at the IWK Health  
Centre Family Newborn Care Unit,  
the Chair of Women's Wellness Within,  
and a doctoral candidate in Nursing  
at Dalhousie University



**Shawn Bayes**

Executive Director of the  
Elizabeth Fry Society of the  
Greater Vancouver area



**Else Marie Knudsen**

Assistant Professor in the Department  
of Social Work at Trent University,  
Durham



## Best Interests of the Child When Sentencing Parents in Canada

**Verena Tan** presented on research conducted by CFSC into sentencing practices of judges in Canada. The research was a limited study to look at how judges were taking into account parental responsibilities or the best interests of the child of a sentenced person, including international law principles. CFSC wanted to see how judges were approaching parents at sentencing. The research indicated that in the few instances where children were considered in sentencing, there was a variety of approaches and no clear principles for considering the impact of

custodial sentences on children or their relationship with their parents. When taken into account at sentencing, financial dependence was the primary consideration for non-custodial or conditional sentences. Despite explicit provisions in the Canadian Criminal Code, non-custodial sentences for Indigenous peoples were not prioritized. CFSC believes that maintaining Indigenous cultural connection and minimising Indigenous family separation is a critical issue that must be addressed in sentencing.



**The full report can be found here:**

<https://quakerservice.ca/wp-content/uploads/2018/12/Considering-the-Best-Interests-of-the-Child-when-Sentencing-Parents-in-Canada.pdf>

**Key issues:** Judicial training, law reform, constitutional case law, child welfare, Gladue reports, community-based sentences.



## Group Panel on Projects with Children of Incarcerated Parents

**Yvon Dandurand** began by explaining how his focused research and policy work in this area followed an international day in Geneva that highlighted how little attention has been paid to children of incarcerated parents in Canada. Since then, he has been mobilizing colleagues to do research, projects and policy efforts. Yvon discussed various projects including working with provincial court judges, duty counsel, legal services, First Nations Courts and holding focus groups with stakeholders to gather information. These projects have developed action plans for communities, integrating work into existing efforts that

support children. He identified that a major obstacle and challenge in this work is stigma and walking the fine line between protection and stigmatization of children. Yvon finished by introducing their **Framework for Action: Enhancing the Protective Environment for Children of Parents in Conflict with the Law or Incarcerated**, in which they tried to capture the lessons they learned into a working tool. This covers contact with the justice system as a whole and takes the approach that everyone has a role to play in creating a better environment for children.



**The Framework can be found here:**

<https://cjr.ufv.ca/enhancing-the-protective-environment-for-children-of-parents-in-conflict-with-the-law-or-incarcerated-a-framework-for-action/>

**Vivienne Chin** spoke about the lessons learnt talking to groups of people and hearing their first-hand experiences. Firstly, she spoke about caregivers, grandparents, aunts, and foster parents, who all spoke about burnout, isolation and uncertainty of their circumstances. They also spoke to the stress and anxiety for children who have to be taken to court several times, have lots of unanswered questions, and the push from the Ministry of Children and Family Development for adoption and permanent placements. Secondly she talked about hearing from formerly incarcerated moms, who spoke about the challenges of finding jobs, housing, transport and the lack of treatment for mental health or addiction issues. Mothers reported wanting to reconnect with kids but

needed help with parenting skills and support, were stigmatized and negatively stereotyped, lacked community support and their parenting skills were often dismissed. These mothers also spoke of their guilt, fear, and their exhaustion when they have no respite, especially trying to satisfy strict and unrealistic conditions of the Ministry and social workers. Finally, Vivienne talked about the feedback they heard from staff, and the culture of shame and blame around mothers who commit crimes and assumptions that they cannot care for their children. Many women have fled abusive relationships, losing resources to maintain living conditions or apply for new housing, losing their children and disrupting the attachment and development process of the child.

"Crime happens in families. 1 in 5 people have mental illness, 1 in 8 have criminal records. This is our family, our neighbours, our community. If we don't include them, we are stigmatizing them."

Vivienne spoke about the love that children have for their mothers and the need for more services like the Elizabeth Fry Society who provides mothers in prison with parenting skills, programs, and opportunities to meet their children. Finally, citing the example of Singapore where

prison services are integrated with child services, providing regular video calls for mothers and children, Vivienne emphasized the need to recognize that reintegration of mothers depends on their relationship with their children.

**Shawn Bayes** spoke about Elizabeth Fry Society of Greater Vancouver's experience working in communities in Northern and Southwestern BC supporting affected children, the role of stigma, and the need to acknowledge and normalize that crime affects effects all our families, neighbours and communities. She discussed the need to understand the problems and respond with pragmatic supports: Caregivers reported difficulties negotiating bureaucracies such as getting birth certificates to register children in school; access to the Canada Child Benefit; and significant financial issues presented by arbitrary provincial funding models for children; as well as challenges faced by aged caregivers, citing an example of a grandmother who was 80 years old caring for three young children each under different provincial agreements and funding.

Children are left out, invisible and silent. They learn to hide, deny and lie about their circumstance, which reinforces the silence, and leads to mental illness and poor academic achievement. Caregivers fear seeking help or speaking out without formal guardianship arrangements. Shawn called for the need for a collaborative community that supports mothers and caregivers, and enables people to advocate for themselves. She highlighted the difference between families asking for procedural fairness versus feeling they had to beg. She recommended creating accessible resources, teaching people the right questions to ask, and helping them to understand their rights, enabling them to meet government personnel as equal partners at the table for decisions.



**Shawn shared some recent Elizabeth Fry publications that hope to provide some of these tools for caregivers:**

<https://elizabethfry.com/wp-content/uploads/2019/01/efs-supporting-children-with-incarcerated-parents-community-guide.pdf>

<https://elizabethfry.com/wp-content/uploads/2018/12/efs-raising-a-relatives-child-handbook.pdf>

**Key issues:** Stigma, child protection, lived experience, caregivers, lack of services, parenting skills, reintegration, silence and invisibility, empowerment.

## Holistic Research: Including Children and Families of the Incarcerated

### Dr Bahiyyah Muhummad

located her research as ethnographic and international research that incorporates children and families, empowering people and their kids. She spoke about her work to engage with families, and the challenges of the culture of enforced silence, and how releasing the silence empowers and builds capacity in the community, as well as for individual children. Working with the context of mass incarceration in the United States, she stated that despite half of the incarcerated population being parents, incarceration and parenting are not talked about in communities, even though they are living with it.

In relation to the research, Dr Bahiyyah explained that the research is adult driven, and children are not given a voice. This group of children are most often studied for the effects of incarceration on their physical environment, their psychological and physical health and their behaviour, highlighting the negative side, which needs to be balanced. She also addressed that there is so little we know about these children: where they live, about their gender, if they have disabilities, their voices and stories, and their successes and resilience.

Dr Bahiyyah spoke about the lack of narrative, of a coherent and true story that would allow these children to have a clear understanding of themselves. She emphasized that we need to give these children a voice to speak their truths, not force them into silence, and not only tell stories that they will end up in prison, have behavioural problems, poor health outcomes and disruptive lives. She spoke for the need for more resources to help conversations in families and communities, to give children and their families the language to tell their stories and understand each other. Dr Bahiyyah introduced her coloring book, *The Prison Alphabet: An Educational Coloring Book for Children of Incarcerated Parents* and told stories of how this book has been used to open up conversations with children about their families and experiences.

Most importantly, Dr Bahiyyah emphasized the successes of these kids, what they need for success and how we need to stop telling them their stories, but allow them to advocate for themselves.

"We have to bring those children to the table to give voice to their reality."

**Key issues:** Research, empowerment, silence and invisibility.

## Office of the Correctional Investigator: Federally Sentenced Women

**Johanne Vernet** presented on the role of the Office of the Correctional Investigator to *conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Correctional Service of Canada*. She specifically spoke to the work of the Office of the Correctional Investigator with federally incarcerated women, including the mother baby units. Johanne explained that federally incarcerated women make up around 4.7% of the federal population, their security classification is generally lower than for men, but they have more “lifers”, sentences over 25 years. Most federally incarcerated women are between 31–40 years old, and 22% of the population are Indigenous women.

Johanne then spoke about the Mother and child program, which is offered in all five institutions for women. According to the Office of the Correctional Investigator, approximately 3/4 of federally incarcerated women are mothers with children, two thirds were single

caregivers and around half of these mothers had experience with child welfare. Johanne stated that despite a building new facility to provide a safer environment for mothers and children, it is often empty. In 2008, the rules were changed to increase the criteria and limit access to the program. Since 2002, only 125 decisions were made on applications to the program.

This appears to indicate that the program is underutilized. However, use of the program may not be consistently captured in the Offender Management System, and, as such, the data may not reflect the actual usage of the program. Johanne also explained that she was not able to capture how many children are in the program, nor how many children visit parents in facilities.

Over the years, the OCI has made recommendations to increase access to the program, ensure safe environments for children, as well as facilitate other mother child contact such as video links for mothers living far away from their families.

“By the time a woman reaches a federal prison, every other system in life has failed her.”

– Former Prison Warden

**Key issues:** Mother baby units, child protection, barriers to contact, parenting skills programs, reintegration.

# DAY 2

## The Systemic Invisibility of Canadian Children of Prisoners

**Dr Else Marie Knudsen** opened day two of the dialogue with a presentation talking about ‘systemic invisibility’ of children of incarcerated parents, and the research she conducted interviewing children in Canada. Else spoke to the difficulty of identifying and accessing children who have parents in prison, and how she gained trust over time, riding and driving buses for FEAT for children and John Howard Society in Ontario, that took children to visit their parents in prisons and jails.

In her research, Else identified the theme of ‘systemic invisibility’ across all her research, which drew on the experiences and views of children of prisoners, their caregivers, and a variety of key informants. At the micro level, Else spoke of secrecy within families, communities, and children who were keeping secrets and keeping a low profile, which isolated them from community support. This secrecy was driven by fear of stigma by parents, but also taken on by children. At a mezzo level, Else spoke of the lack of

knowledge, expertise or policy attention within relevant organizations, services and systems, such as schools, child protection or other institutions. Without data or funding, no attention is paid to this group of children by institutions, which includes the lack of parenting programs and supports. Finally, at a macro level, Else spoke to the lack of overall data, policy attention or complaint mechanisms. At this level, Else emphasized that we miss the bigger picture.

An effect of this systemic invisibility is that systems benefit from not having to know about or take responsibility for children of prisoners, and there is neither political nor community accountability. Else argued that children are inconvenient to the narrative of prisoners as “bad guys” because having children who care about them, humanizes them. And if children are invisible at all levels of the system, then we cannot have conversations about their needs, their lives, or their stories.

“Kids are inconvenient to the narrative. They humanize the prisoners, suggests they are worth love and care, that they aren’t all bad.” ... “It serves no purpose to know.”

**Key issues:** Systemic invisibility, silence, lack of data, child protection, lived experience, empowerment, qualitative research.

## Reproductive Justice and Carceral Maternity

**Martha Paynter** presented on her work with the organization Women's Wellness Within in Halifax and across Nova Scotia in provincial and federal institutions. She spoke about their work to provide perinatal support to women in marginalized groups including in carceral spaces, education to women and health care providers and political advocacy. Women's Wellness Within holds values of feminism, pro-choice, pro LGTIBQ and prison abolition. They operate with philosophical foundations of reproductive justice as a human right, the right to bodily autonomy, fertility, the right to have or not have children, and the right to have safe families and communities for children and parents. Specifically, Women's Wellness Within looks to how mass incarceration and state violence has interrupted the reproductive experiences of marginalized women, Indigenous, Black and immigrant women in particular. The work of their organization focuses on educating women and providing their support both inside and outside prison, around sexual health as well as maternal care that they can use for themselves and to help others.

Martha explained that reproductive health is a human right, protected in the Canadian Human Rights Charter, the Corrections and Conditional Release Act, and the Bangkok Rules, but the reality is that in carceral (prison and jail) spaces, these rights are violated and mothers experience harm.

Martha also spoke about the Mother-Child Program, and the reasons for the decline in use: overcrowding which reduces the space for children, increased strict eligibility criteria that excludes women for reasons outside their control (sexual history, substance abuse, history of abuse) and the increased punitive approach to prison that makes women not want their children in that environment. She also spoke to the general concerns about whether we want to encourage more women to give birth and have children in prison spaces.

Most importantly, Martha spoke powerfully about specific women who have experienced reproductive harm in Canadian prisons: Julie Bilotta, Alyssa Bennett, Bianca Mercer, Stephanie Albert, Julie Arseneau. She explained that the beginning of their organization was in response to the violence and violation of Julie Bilotta, at the Ottawa-Carleton Detention Centre, where she gave birth to her son in solitary confinement, alone, following abuse and neglect from staff. Julie and her son both experienced complications from the birth, her son was removed to foster care, where he was found dead at 13 months just as Julie was about to have him returned to her care. These women's stories embody violations of reproductive justice that women experience in prison, obstetric violence, separating mothers from newborn children, denial of healthcare and most tragically, the death of children.

Women behind the headlines:  
Julie Bilotta,  
Alyssa Bennett,  
Bianca Mercer,  
Stephanie Albert,  
Julie Arseneau

**Key issues:** Maternal health, Mother-Child Program, systemic violence, human rights, lived experience.

# General Dialogue Discussion

**Following the richness of presentations, participants discussed several issues that arose from the presentations. A few reoccurring themes arose from these discussions: the need for both grassroots and high level policy action; the Mother-Child Program; the stigma and silence around children and families of incarcerated people; the systemic issues of poverty, racialization and gender that contribute to and perpetuate incarceration and its impact on children; the lack of lived experience in decision-making; and the connection and disconnection between child protection and the criminal justice system.**

Participants discussed the different approaches to making change for children of incarcerated parents, from law reform, judicial challenges, political advocacy, education at a public and targeted level and importantly, changing public opinion and challenging stigma in society. The need for non-institutionalised and community controlled services and interventions are just as necessary as governmental or policy interventions. There was also discussion around the challenge of finding funding for this target group as they are invisible and stigmatized, which means they are not considered for funding, and there is no will to help them.

Mass incarceration and the increase in the prison population was discussed as generally harmful and very disruptive to communities and families, particularly short sentences and remand. The need for bail reform and reconsideration of remand was raised, including examples of moves in the UK, Italy and Brazil to remove remand. In relation to sentencing, participants shared their experiences trying to advocate for children to be considered in sentencing parents, and challenges raised, including judges' willingness to consider children but lack the credible information they need to make decisions. It was discussed that information was a key factor and that it is important that those tasked with presenting information about child/family impact are qualified, resourced and objective (eg. probation officers, defense lawyers, Gladue report writers etc.). Some ways forward and past work around sentencing included judicial training, review of First Nations courts, expanding Gladue reports to consider parenting, amendments to pre-sentence reports, and organizational training.

Many participants expressed their experience and concerns with the low usage of the Mother-Child Program, but also acknowledged the legitimate concerns of mothers that prevent them even applying. Participants discussed that child protection is a requirement of the program and mothers fear this scrutiny and surveillance. It was also raised that more use of the program meant more children in facilities, rather than mothers with their children in the community environments. Further, participants recommended that the Mother-Child Program should provide parenting skills training, to also assist with reintegration but that currently, each institution is responsible for their own programs, and there are often none.

Participants also discussed changing public awareness and buy in, and that people with lived experiences need to be empowered, and the critical need for both parents and children to have hope.

Participants raised that we need to look at what is working for some families and communities, despite statistics and rhetoric about cycles of criminality, poverty or incarceration. It is important not only to look to the data, but also the stories of success, the experiences of children and families who have persisted against the negative assumptions about crime and incarceration. Stories and voices of resilience need to balance the negative statistics about children of incarcerated people and their families.



**"We just don't have enough good data to know anything other than we don't know."**

Reoccurring in discussion was the intersection and discrepancy between the child welfare and the criminal justice system, as well as the lack of voices of children within decision making. The need to connect, educate and facilitate work between criminal justice and child welfare was seen as critical to responding to children of incarcerated parents. In particular, the role of Indigenous cultural connection and family for Indigenous children was raised as a critical issue in both child welfare and the criminal justice system.

Participants discussed that the lack of services and support for families and children of incarcerated parents relates to families not being considered victims, and that many people do not think about families of an incarcerated person. A lot of discussion focused on the overlap and intersection between different social services, not just prisons but housing, employment, child protection, healthcare and poverty, where interventions need to be made before and after the criminal justice system becomes involved or children are separated from their families. And even when many services are involved with children and families, there may be very little communication between those services.

It was acknowledged that there is a great deal of complexity in discussions about children of incarcerated parents. Children can be harmed as well as healed by their relationships with their parents. There is a balance necessary in accountability and compassion for incarcerated parents, and a need to make connections and work together with a variety of perspectives to the work. Participants acknowledged the

need to work in partnership and learn from each other.

Finally, participants agreed that empowering and supporting families, communities and targeting root causes of criminality are essential to enable children and families to build successful lives for themselves.

#### **MISSING DATA**

The lack of data and information about children of incarcerated parents was discussed in particular, raised in presentations and discussions as barriers to funding, accountability and changes to stigma and substantive policy.

Participants identified that in Canada, there is very little data on how many incarcerated people have children, both at a federal and provincial level. There is no data on how many children each parent has, how old they are, where they live or who they are cared for. There is little data on how many children are born in jails or prisons, how many visit incarcerated parents or families, or other information about their backgrounds including whether they are Indigenous, racialized, have disabilities, their gender etc.

Most current data are broad estimates, and can be inaccurate, for instance, if they are based on the number of admissions over a year rather than the number of individuals incarcerated at any one time.

To encourage transparency and accountability, participants collectively recommended advocacy for better research and data, including access to current data from Correctional Services Canada.

# Collective Challenges and Recommendations

Following the two day dialogue, participants created this list of key issues and recommendations. This list is broken into four themes: Systemic and Social Stigma; Legal Decision-Making and International Law; Visitation; Incarcerated Mothers and Maternal Health.

The issues listed are the major challenges identified within each theme. The recommendations respond to these issues and are the key ways identified that we can act to change the current landscape for children of incarcerated parents.

This is not an exhaustive list, but a starting list of recommendations to highlight where policy changes, best practices, guidelines, protocols and tools are needed in Canada.

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## THEME:

### Systemic and Social Stigma Issues:

#### Issues:

- The siloed approach to services and individuals that focus on issues rather than the individual and complexity as a whole.
- The intersecting nature of oppression, marginalization, and criminalization.
- The complexity of stigma, the balance between providing services and not over-servicing, and the lack of education about stigma.
- The lack of trust and the immense burdens placed on families.
- Criminalization (or over-criminalization) as a tool of colonialism, racism, marginalization.

#### Recommendations:

- For child protection agencies, more discussions about domestic violence and access to children that balances around risk, as well as increased policy discussions about the permanency of placements.
- Increase funding and resources for mental health and other needs and increase trauma informed working and training.
- Bring a range of voices to the table, that build trust, are ongoing, ensure equality in dynamics, and representation from lived experiences *in* positions that effect change.

- Empower families and respect the agency of the families; focus on their needs, their strengths, educate them on their rights and how to navigate the system and create and provide safe spaces to families to realize these.

## THEME:

### Legal Decision-Making and International Law

#### Issues:

- The lack of political and legal adherence to international law and norms, and lack of public interest and knowledge to influence that political will.
- Over-incarceration, especially short term and remand.
- The lack of information sharing between agencies (criminal, welfare, corrections, social services) – silos and secrets in institutions.
- The lack of services, access, eligibility and availability – healing services, post-remand and during incarceration focused on families and reintegration and bail programing.
- Ongoing impacts of colonialism – holding people to standards of settler culture, lack of recognition of Indigenous methodologies and specific needs.
- Negative public discourse and stigma around criminalized people and their families.
- Over-institutionalization of supports and a move away from grassroots supports.

**Recommendations:**

- Better information and advocacy around international frameworks including:
  - Providing better information for public and stakeholders around international frameworks and tools, including information about how to use international conventions and tools in someone's own case.
  - Giving the government tools to adopt international standards, including raising awareness of the financial, legal, and moral consequences of breaking international laws.
  - Providing organizations with tools for monitoring compliance with international standards and contribute to reporting.
- Education for all stakeholders on the UN Convention on the Rights of the Child and some of the key articles that apply regarding children of incarcerated parents.
- Use existing legal frameworks around secondary victims and survivors to provide support to families.
- Draw connections to colonialism, reconciliation, and the over representation of Indigenous people in the criminal justice system. Recognize strengths that exist in Indigenous communities – Indigenous resources, technologies, and methodologies.
- Reduce incarceration by:
  - Informing judges and child welfare of other practical options;
  - Increase healing services at all levels and incorporate children and families into healing/reintegration plans at all stages (including bail).
- Encourage collaboration and dialogue between silos (child protection, judges, Gladue writers, etc.) and increased accountability by agencies, including having a national dialogue on this issue hosted by government including the voices of children.

**THEME:****Visitation****Issues:**

- The age of consent for contact and visitation and the lack of a clear right for a child to visit their parents.
- The limited access to information and resources and services by families about visitation, lock downs, services.
- The multiple barriers for families to have visits (geographical, economical etc).
- The lack and need for external agencies to support families before and after visits (the trauma and impact of entering institutions and after visitation).
- The poor visiting conditions and treatment in institutions for children and families.

**Recommendations:**

- The development of a committee for Children of Incarcerated Parents to advocate for rights, change, etc. across Canada.
- Improve access to information, resources, support (a centralized information and services) eg. Information about a lock down before a family leaves to visit.
- Video visiting must be used to compliment *but not* replace in-person visits.
- Dedicated funding from the government for transportation services to facilitate visits (including supporting community services not institutionalising them).
- Increased education and training on the needs and best practices to support children across sectors by professionals.
- Improve conditions and increased options for positive parent-child visits.

**THEME:****Incarcerated Mothers  
and Maternal Health****Issues:**

- The challenges of the Mother-Child Program – on the one hand, underused; on the other hand its existence is misdirected social investment.
- Lack of perinatal healthcare for women inside – obstetric violence: shackling, no privacy during labour, lack of services inside, maternal health training.
- Lack of parenting skills programs (men and women) at the Federal and Provincial level.
- Tension between federal/ provincial systems – being caught between two systems for example, when a person is on a Long Term Supervision Orders which is a federal order, but the person is held provincially.
- The over-incarceration of mothers and the disproportionate criminalization of crimes of survival (poverty, substance use).
- Lack of child-focused perspective including support for mothers focused on child needs and the lack of emphasis on newborn health – right of the baby is to be with its mother because it is a critical time in terms of long term health and separation means lost opportunities.

**Recommendations:**

- Examination of restrictive eligibility criteria of Mother-Child Program to open eligibility.
  - Disproportionate exclusion of certain racialized groups;
  - Community participation in Mother-Child Program;
  - Non-residential options to enhance mother child bond.
- Respect existing human rights laws to prevent state violence against women prisoners, eg. Bangkok rules, Mandela rules, UN rules and Canadian Charter.
- All prisoners be offered a current, evidenced based parenting program and good data to be kept regarding uptake. Provide flexible parenting skills training based on the maternal health needs of mothers.
- A person-centred approach to providing health and services to prisoners – cross jurisdictional links between federal and provincial services.
- Increased non-custodial alternatives to remand for mothers, e.g. promise to appear or house arrest. Increase judge/defence knowledge of alternatives and increasing depth and holistic use of pre-sentence reports. Increase restorative justice broadly, to include women accused of violent offences (often within the context of their own victimization).
- A focus on the right of the child: each infant must have the right to stay with their mother for their short-term and long-term health regardless of institutional programs/policies.
- Maternal, perinatal health should be equivalent as in the community.
- Work with child protection services in every province and territory to change their paradigm – to provide circles of care/support/resources for infants and their mothers, instead of removing infants.

# The Road Ahead

What next? As covered in this report, the work around children of incarcerated parents is complex, challenging and broad. There are systemic issues that present obstacles to even the most committed and passionate advocates, including lack of resources, silos in social services, lack of data, stigma and the challenge of increasing prison populations, particularly women and mothers.

The next major step following this dialogue was the formation of a Canadian Coalition on Children of Incarcerated Parents, to move forward and action some of the recommendations listed above.

The other major step is to share information and educate others about children of incarcerated parents, including sharing this report. *Breaking the Silence* hopefully captures the breadth and complexity of the dialogue presentation and discussions.

We hope that these recommendations can become realised in the near future. We hope they inspire the Canadian community into action.







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