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Designing Programs for Incarcerated and Paroled Obligor

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Introduction

Between 1990 and 1998, the number of prisoners in federal or state adult Correctional facilities increased from 773,919 to 1,302,019 an average annual increase of 6.7 percent. Most state inmates are male (94%) and minority (64%), and although only 17 percent of male inmates in state prisons are currently married, most are parents (GAO, 2000). According to a 1997 survey conducted by the Census, 61 percent of White male inmates and 68 percent of Black and Hispanic male inmates, respectively, are fathers, while 78 percent of White, 82 percent of Black and 79 percent of Hispanic female inmates are mothers (GAO, 2000). Females are the fastest growing sector of the U.S. prison population, with the number increasing by 8.3% per year since 1990 as compared with 6.4% for males (Beck, 2000). It is estimated that as many as 1.5 million children have an incarcerated parent, while many thousands of others have experienced the incarceration of a parent at some point in their lives (Seymour, 1998). In 1999, 3.1 percent of the U.S. population, or 6.3 million people were on probation, in jail, or prison, or on parole (U.S. Department of Justice, 2000).

Incarceration affects parents and children in many profound ways. For example, if the custodial parent is the one going to prison, children have to be placed on an emergency basis. If the state has filed a Dependency and Neglect action and the child enters the child welfare system, incarcerated parents must keep in contact with the professionals working on their child(ren)'s case and appear at hearings about their children either in person or by telephone, or face the loss of their parental rights. In Colorado, grounds sufficient for termination of parental rights include serving a sentence of three years or more. Under the adoption and Safe Families Act of 1997, states are required to try to terminate parental rights if a child is in foster care for 15 of the past 22 months.

Child support issues may also be relevant. Although the precise number is not known, many noncustodial parents (and custodial parents whose children are placed in foster care) are still expected by law to pay child support while they are in prison. While no state automatically suspends or modifies existing child support orders during a parental incarceration, some jurisdictions lower orders

to a minimum amount like \$20 or \$50 per month if an incarcerated parent files a written request for a modification. Filing a request, however, is no guarantee that it will be granted. Many requests to modify existing orders are denied because the court and/or child support agency chooses to treat parental incarceration as a form of voluntary underemployment rather than a change of income. An inmate's failure to request a modification (and/or its failure to be awarded) may result in the accumulation of significant child support arrears during incarceration and the inmate's exposure to a host of punitive enforcement actions upon his/her release. By law, parents who owe child support may have up to 65 percent of their take-home pay garnished. They may also have their driver's license and/or their state-issued professional license suspended and be reported as delinquent on their credit reports.

Parental incarceration also leads to a dramatic reduction in parental contact. One-half of incarcerated parents do not receive any visits from their children and most of those who do receive visits are not visited regularly or frequently (Hairston, 1998). And because mothers are more apt to facilitate visits with an incarcerated parent, incarcerated mothers see their children even less frequently than incarcerated fathers, even though they often have closer relationships with their children prior to incarceration, with more than half (54%) of the children never visiting their mothers in prison (Beatty)1997).

Studies show that family ties, along with stable employment, help to reduce Recidivism and improve the success of prisoners who move into parole. For example, evaluators report that the recidivism rate for participants in an employment reintegration program known as the Texas RIO project was 23 percent, as compared with 38 percent among a comparable group of non-RIO parolees (Finn, 1999). As for family support, researchers report that family relationships and understanding of the reintegration process are key to the success of inmates upon their release, with relapses more common among those who feel unneeded or overwhelmed by the demands being placed on them (Skolnick, 1960). Child support policies are also believed to affect inmate reintegration patterns, especially if they lead to large debts and wage attachments that drive paroled and released prisoners away from their families and legitimate employment. States are urged to improve coordination and case management for incarcerated and ex-offender fathers (NCOFF, 1998). Despite the importance of these findings, prisons, courts, child welfare agencies, and child support agencies are just beginning to recognize the salience of parenting and child support issues for the incarcerated population. (See WIN's Issue Notes, "Support Services for Incarcerated and Released Noncustodial Parents," June 2000).

The following describes the steps that the Colorado Department of Corrections and the Division of Child Support Enforcement are taking to begin addressing the parenting issues that incarcerated parents face. They reflect efforts to identify inmates who are parents, apprise them about their rights and

responsibilities both during their incarceration and upon their release, and promote their successful reintegration into society and their families.

Program for Incarcerated Parents

The Problem

While national statistics about the overlap between child support and corrections populations are not available, it has long been suspected that many incarcerated or paroled parents owe child support to the parent or guardian caring for their children or to the state if the family has received public assistance. To better grasp the magnitude of the overlap and develop responsive policies, the Colorado Department of Corrections (DOC) and the Division of Child Support Enforcement (CSE) conducted a match of computerized records of cases maintained by the two agencies. The match revealed that approximately 30 percent of Colorado's 20,269 inmates and parolees are noncustodial parents (NCPs) who have a known child support case and are part of the child support system. This represents 4 to 5 percent of the total state CSE caseload. As a group, they owe more than \$53 million in unpaid child support and account for 3.8 percent of unpaid child support arrears in the state.

One problem that inmates face is the accrual of child support debt during incarceration due to unmodified child support orders. Incarcerated obligors typically do not know they can request a modification of existing child support orders while they are in prison or neglect to do so. Additionally, child support agencies do not have a uniform policy on how to deal with incarcerated obligors, and thus do not respond to their requests in a consistent manner. Indeed, a survey of CSE personnel showed that the state was split evenly on whether NCPs serving time in prison should be considered voluntarily unemployed, and therefore ineligible for a modification, or whether a modification to a minimum amount should be granted in order to reduce the accrual of arrears. Most of those who favored modifications believed that they should be granted on an automatic computerized basis without any time or effort on the part of the child support agency. The split in opinion among CSE personnel in Colorado is consistent with the ambiguity in federal law and court decisions concerning the child support standing of incarcerated obligors. According to federal law, NCPs with child support orders who have experienced a substantial change in circumstances can request a modification of their order (42 U.S.C. 666[a] [10] [B]). Incarceration, with limited employment opportunities and minimal wages, is seen as one such circumstance by some courts (*Lewis v. Lewis*, 637 A.2d 70 (D.C.1994)). However, many agencies and courts find that incarceration does not warrant modification of an order or establishment of a minimum order because imprisonment is considered to be a voluntary act (*McDermott v. Bender*, 598 A.2d 709 (Del. Fam. Ct. 1990)). Colorado, in fact, has determined that incarceration is one factor to be considered in assessing a motion for modification of child

support. (In re Marriage of Hamilton, 857 P.2d 542 (Colo.App. 1993)).

Goals of the Program

With the support of a grant from the federal Office of Child Support Enforcement (Grant No. 90-XE-0007), the Colorado Division of Child Support Enforcement has begun to explore ways of addressing the child support issues that incarcerated parents face. To date, its efforts with such parents have included the following:

- Identify incarcerated obligors through periodic data matches;

- Educate prison staff about child support, custody, and other issues that incarcerated parents face when they are released;

- Educate prisoners about the child support and child custody laws;

- Develop a handbook for incarcerated parents; and

- Develop a consistent state-wide policy on the child support status of incarcerated parents.

Program Components

Periodic Data Matches: Child support workers frequently do not know when a noncustodial parent becomes incarcerated. Without notification, cases for incarcerated obligors remain unchanged and are usually treated as non-paying, open cases with a mounting delinquency. The incarcerated noncustodial parent incurs increasing levels of debt as orders continue at their pre-incarceration levels. As a result of automated enforcement actions, his or her driver's license (and any occupational license) may be suspended. The children, of course, do not receive child support benefits. And for the child support program, the case represents a collections failure which will adversely affect performance ratings.

To address these problems, administrators with the Colorado Division of Child Support Enforcement began to meet with their counterparts at the Department of Corrections. One result of these meetings was an exchange of information about the individuals in their caseloads. On a periodic basis, the DOC submits a computerized listing of incarcerated and paroled inmates to the child support agency. The child support agency matches these names with obligors in its caseload.

For individuals who are matched on the basis of their social security numbers and/or name and date of birth, DOC supplies a current facility address. In future matches, DOC will also provide a projected release date. The child support agency then prepares a listing of matched individuals and their cases with identifiers, DOC location information, and child support case status, including child support order levels and arrearages.

The data match has yielded valuable information on the number of incarcerated noncustodial parents and their child support status. It has also been the catalyst for discussion about needed action in these cases and child support policies for incarcerated and paroled noncustodial parents. Among the issues that are being debated are procedures for modifying child support orders during incarceration, the attachment of prison earnings and accounts for child support purposes, and the classification of such cases by the child support agency.

Educating Prison Staff: Another outgrowth of meetings between CSE and DOC was a training program for prison staff on issues dealing with custody, visitation, and child support. Staff targeted for training included case managers who are responsible for ensuring basic inmate compliance with programs leading to release, and "program" coordinators who work with inmates on reintegration issues, including parenting, victim impact, and basic life skills. The one-day training program covered the topics of child support, child custody and visitation, welfare reform, domestic violence, child welfare, and state-wide resources for all of these issues. It was attended by program coordinators from across the state. The training staff was interdisciplinary and included representatives of the state CSE, a family law attorney, administrators with the TANF and child protection agencies, and the coordinator of a domestic violence program that offers treatment for batterers.

The program was well received and stimulated requests for assistance in educating inmates on site at their respective institutions. The State Paternity Coordinator for CSE and the project attorney agreed to design an inmate training program and implement it at interested facilities in cooperation with the DOC's Director of Education and facility staff.

Educating Incarcerated Parents: The education program for incarcerated parents consists of a two-hour presentation by the State Paternity Coordinator and the contracted program attorney. Since its inception, it has been offered about four times per year at 11 DOC facilities. Sometimes it is possible to arrange for staff education seminars in conjunction with those offered to inmates when the paternity coordinator and the project attorney visit a facility. For both groups, the programs address the legal responsibilities that incarcerated parents face and the barriers and opportunities they will encounter in their efforts to gain access to their children and adjust their child support obligations to reflect their financial circumstances while they are in prison. The child support section deals with child support obligations and the resources the state has to initiate and enforce obligations. The family law attorney describes the law regarding child support, custody, and visitation, and the mechanisms by which noncustodial parents can pursue visits with their children and enhance their options for access. The inmates are provided with the necessary documents to request a modification of child support. The most effective sessions are integrated into an existing, broader program on parenting

skills and the impact of incarceration on family dynamics, with other sessions on trust issues, how to parent, and visits between incarcerated parents and children.

One part of the program involves the distribution of a letter which the CSE Paternity coordinator and family law attorney developed to facilitate the process of requesting an administrative review of child support orders. Noncustodial parents are instructed to fill in the blanks on this letter, attach a financial affidavit and submit it to the local child support agency with jurisdiction of their case. Outcomes, of course, cannot be guaranteed since agencies have the right to either modify and reduce child support or refuse to modify.

While it seemed trivial to the presenters initially, the CSE paternity coordinator and project attorney also developed a certificate of completion for inmates who attend the parenting-time clinic. These certificates become part of the inmate's file, and reportedly create a favorable impression with evaluative staff, such as case managers, parole offices, judges, and reintegration personnel.

The parenting time program is adjusted to meet the needs of the audience. For example, tone and content differ for male versus female inmate audiences. The program for male inmates emphasizes: procedures to establish paternity; procedures to challenge or check on paternity, including DNA testing; child support guidelines; order establishment, modification, and enforcement. As to custody and visitation, the program for males includes information on relevant laws, motions to acquire visitation rights, supervised visitation facilities, and methods of establishing oneself as a parent suitable for visitation rights following incarceration.

Female inmates, on the other hand, have typically lost custody and have had their children placed with a relative or with a foster care provider as a result of a dependency and neglect action in the juvenile court. With female audiences, the program emphasizes custody issues, how to cooperate with the department of social services, the importance of maintaining contact with social workers and attorneys involved in their children's case, and their child support obligations to the state or temporary care providers during their incarceration.

The program is also adjusted to reflect the security level of the penal institution in which it is offered. Presentations to pre-release centers and minimum security facilities focus on working with county CSE agencies to develop payment plans for the gradual payment of child support arrearages, methods of obtaining a court order for visitation, compliance with court orders to avoid re-incarceration, and how to initiate safe and appropriate contact with children, including the use of supervised visitation facilities.

These topics reflect the imminent return of the inmate to the outside environment.

Presentations at medium security facilities, where inmates may not be released for several years, are less oriented to the mechanics of visiting and parenting and are more attuned to preventing adverse child support consequences during incarceration. Presenters instruct inmates on how to respond to efforts by the state to establish paternity if any doubt about the child's parentage exists. Presenters explain how to file relevant court documents and request DNA tests, along with the process of modifying child support orders that are already in place. Visitation issues addressed include how to obtain an order for in-prison visits by children if appropriate.

High-medium and maximum security facilities are generally not visited because of the lower salience of parenting issues among inmates incarcerated for many years, the difficulty in obtaining sponsorship from administrative personnel, and the challenge of gaining access to the facility and an appropriate audience.

Publications for Incarcerated Parents: While in-person presentations are optimal, it will be impossible for the CSE paternity coordinator and the project attorney to meet personally with the vast majority of incarcerated parents. With their huge caseloads and rival responsibilities dealing with the formulation and review of parole plans, neither can DOC case managers in the facilities be relied upon to educate incarcerated parents about their parental rights and responsibilities during their incarceration. Timeliness is also a factor, given the fact that child support orders must be modified to avoid the accumulation of arrearages and federal law prohibits the modification of arrears have they have been incurred.

In order to inform incarcerated parents about their rights and responsibilities in a timely fashion, an interdisciplinary committee comprised of child welfare workers, child support personnel, the project attorney, researchers, advocates, and DOC representatives recently began to meet to develop a manual for parents targeted for distribution to all inmates in the DOC system. Patterned after the California publication, "Manual for Parents," the Colorado manual will describe in simple terms what happens to children when a parent is arrested and incarcerated, and will include the issues of guardianship, adjudication of dependency and neglect filings, and child support matters. The publication is projected to include contact information for child support and protective services agencies in each of Colorado's 63 counties. The publication will have sample letters and forms to accomplish standard legal outcomes such as requesting an attorney, appearing at a hearing involving a child, obtaining DNA testing, and requesting a modification of existing child support orders. The publication will also include visiting rules for each of the DOC facilities to make in-prison visitation easier.

Various Colorado agencies also have published a book on how to obtain parenting time through the courts and includes appropriate forms. These are distributed to the program coordinators at each facility and to case managers.

Finally, the Denver Bar Association publishes an annual Legal Resource Directory which is provided to all DOC units each year. This directory provides a statewide listing of agencies and resources available to address all legal areas, not just family law.

Developing a Consistent State-wide Policy on the Child Support Status of Incarcerated Parents: To date, all child support activity involving incarcerated parents has occurred on an ad hoc basis. It is up to the incarcerated noncustodial parent to request that various actions be taken, such as genetic testing and/or review, and modification of existing child support orders. It is up to child support staff in each of Colorado's 63 counties to respond to these requests and either grant the requested action, or deny it and/or initiate garnishment of an inmate's earnings, which is done on a manual basis by the Department of Corrections.

While many child support agencies favor idiosyncratic policies, case-by-case treatments present certain problems for the DOC, child support agencies, and inmates themselves. Theoretically, cell mates with identical financial situations could face extremely different child support situations if one appeals to a county that regards incarceration as voluntary unemployment while the other has a case in a county that modifies orders for incarcerated noncustodial parents to a minimum ranging from \$20 to \$50 per month. Processing ad hoc requests for wage assignments also pose practical problems for the DOC. Although computer remedies are being developed, DOC has historically handled payroll and income attachments on a manual basis. The fact that most inmates only earn between 25 cents to \$2.50 per day in prison raises questions about the efficacy of attaching prison earnings. Finally, prison staff wonder whether steep attachments of earnings might erode the willingness of inmates to work while in prison, thus rendering them totally destitute, with the consequent need for the state to pay for their personal toiletries. The ability to work in prison industries is also used as an inmate manages new personnel to guarantee continued access to facilities and inmate audiences.

Disseminating Information: Distributing informational literature is another challenge for architects of programs for incarcerated parents. There are typically two libraries in the Department of Corrections. One is a legal library, which has an exclusive mission dictated by constitutional guidelines and involves the access of inmates to legal materials for processing criminal appeals, sentencing, and re-sentencing issues. It was the decision of the DOC's legal counsel that family law related publications and forms dealing with child support and visitation did not complement the constitutional mission, and

therefore it was not appropriate to include those materials in the law library.

There is also a general library that has a central coordinator, but whose content is limited and monitored by each individual institution's warden and policies. Some materials have been placed in these libraries. In the Colorado project, initial access to these libraries was coordinated by a meeting of the state CSE policy manager, the attorney presenter, and the DOC head of general libraries.

Project personnel are currently working with DOC personnel to ensure that the Manual for Parents is widely distributed to parents in DOC facilities. It is hoped that the publication will ultimately be distributed to all new inmates at the DOC's central intake facility, as well as to parents already housed at one of DOC's 23 facilities. Discretionary Policies and Attitudes of Professionals: A final challenge that presenters face is the discretionary nature of family law matters as they affect incarcerated parents, and the variability in agency and judicial behavior across Colorado's counties and courts. It is ultimately up to the judge to decide whether to "writ" incarcerated parents out in order to attend hearings about their divorce or their children's placement and custody arrangements (including termination of parental rights). Judges (and county child support personnel) also have latitude over whether to treat incarceration as voluntary unemployment and whether to grant or deny a request to modify a child support order downward. Judges and child protection professionals, such as caseworkers, guardians ad litem, and attorneys, also have flexibility in the visitation orders they draft during a parental incarceration, with some favoring visits and others viewing them as harmful. It is hoped that providing the judges with facility visiting information (rules, site dynamics (for example would children have to visit through a mesh window or at picnic tables with playground)) will facilitate parent/child contact if appropriate.

As in any discretionary area, the biases of individual professionals inevitably come into play. Child support professionals are reluctant to extend more flexibility and accommodations to incarcerated obligors than they do to low-income noncustodial parents in their caseloads who have not broken the law. Judges and child welfare professionals are properly intent on achieving swift permanency for children in placement and are opposed to imposing visitation orders that compel children to visit in settings that might prove to be traumatic or impose unreasonable burdens on guardians or other custodial caretakers. Having said this, professionals, for the most part, favor contact with children, where appropriate, and realistic child support orders that lead to productive employment, the regular payment of child support, and successful reintegration once released.

It will clearly take more dialogue, education, and directives at the federal, state, and local levels to resolve these and other matters concerning the

treatment of incarcerated parents. Architects of programs for incarcerated parents should be prepared to describe this population and the situations they confront at relevant professional conferences, including, but not limited to, audiences comprised of judges, child welfare professionals, child support workers, and correctional personnel. They should also write articles for popular publications, journals, and professional newsletters, and otherwise work to sensitize professional groups and the general public to the special problems that this group of parents face.

Program for Released Offenders

The Problem

The successful reintegration of offenders is another goal of the Colorado CSE, which has helped to initiate and fund a collaborative venture with the Department of Corrections for parents upon their release from prison. Admissions to the adult prison system in Colorado have increased every year since 1992, and in 1999, there were 13,691 inmates in Colorado facilities, 12,672 men and 1,019 women. Recidivism has also steadily increased, with the one-year return rate rising from 27.4 percent in 1992 to 37.9 percent in 1998. Three years after release, 46.8 percent of Colorado offenders return to prison for either a new criminal activity or a technical violation of parole. In 1999, 5,521 inmates were released from the DOC.

Child support is believed to affect inmates when they leave prison and attempt to reintegrate into society (Cavanaugh and Pollack, 1998). As a result of failing to request a modification and/or a denial of modification, child support debt can quickly mount during incarceration and result in wage attachments of up to 65 percent once a paroled parent becomes employed. In addition, often times ex-offenders have had their driver's license suspended and have been reported as delinquent payees of child support on their credit reports. It is feared that steep child support payments, along with restitution and other expenses, have the potential to drive paroled and released parents away from their families and legitimate employment (National Center on Fathers and Families, 1998). The average incarcerated/paroled obligor in Colorado owes \$178 per month for each of his child support cases and \$11,738 in back due support.

Creation of the Work and Family Center

The Work and Family Center (WFC) was conceived as a way of addressing an array of issues that inmates confront when they are released. The goal of WFC is to reduce recidivism by providing released offenders who have minor-aged children assistance with employment, child support obligations, and family reintegration. It is one of the first and few programs in the nation to try to address these problems in a coordinated fashion as soon as inmates are released to the

community.

Organization and Staffing

The Work and Family Center opened in August 1999, offering paroled and released offenders who have minor-aged children assistance with employment, child support, and, where appropriate, connection with their children. Interested individuals may also be referred for legal counseling and assistance with an attorney, individual counseling and group support with a clinical social worker, and mediation with a mediator affiliated with the Colorado Judicial Department. During its first year of operation, WFC was housed in donated church space and staffed by seven individuals:

A full-time intake coordinator who works with parole officers and community corrections agents to generate referrals, schedule appointments, supervise the collection of intake information, and coordinate the provision of legal and counseling services to interested individuals;

A full-time child support technician who meets with clients, reviews their child support status, and takes appropriate actions, including modifying child support order levels, adjusting arrearages, and reinstating driver's licenses that have been suspended for non-payment of support, and coordinates communications with other counties and states when needed;

A part-time employment case manager who helps clients identify relevant job openings, develops relationships with employers who will hire ex-offenders, assists clients with the preparation of resumes and the conduct of successful interviews, and provides follow-up and support after placement;

A part-time case manager who provides support services to eligible individuals including bus tokens, clothing vouchers, work tools, and referrals to relevant agencies for food, housing and other support services;

A part-time Senior worker who maintains the files and performs various clerical and secretarial duties;

A part-time attorney who meets with clients upon request to review their family law situation and assist with the preparation of relevant legal filings, including motions for visitation rights;

and

A part-time clinical social worker who meets with clients upon request to provide therapy on an individual, couple, and/or family basis and to conduct a peer support group.

Client Referral

The Work and Family Center receives referrals from parole officers and community corrections agents. It also accepts self-referrals. WFC staff also generate referrals by visiting halfway houses and providing information to staff and residents about the services available at WFC. The criteria for participation

are that the individual be released from a DOC facility to the Denver area and have at least one minor-aged child.

During August 2, 1999, through July 1, 2000, 242 clients met the requirements for service at the WFC and were scheduled to be seen. During this same time period, 174 appeared at WFC and were served. The remaining 68 eligible clients were not served because they were either back in prison and/or never appeared for an appointment.

Referrals to WFC have been uneven. During the first three months of operation, approved referrals ranged from a low of zero per week to a high of eight, with an average of 3.1 per week. During November and December 1999, the average of approved referrals rose to 4.8, and by the period January through March 2000, the average number of referrals had increased to 8.4 per week. WFC staff have taken several steps to increase the flow of appropriate referrals.

Newsletter: WFC prepares a monthly newsletter describing its services and mails it to all community corrections agents and parole officers.

Poster: WFC prepared and printed an attractive poster about itself, which is being distributed to all individual agents and parole officers for display, as well as to half-way houses and other facilities frequented by ex-offenders.

Notifying Referral Sources about Non-Appearance: WFC's Intake Worker notifies referring agents and parole officers by mail when their client fails to appear for their appointment (with a copy going to the client).

Presentations: WFC staff make periodic presentations to agents and parole officers at their staff meetings. On occasion, they also visit DOC facilities and help soon-to-be released inmates apply for child support modification and apprise them of the Work and Family Center.

Programs like the WFC must work hard at sustaining a flow of referrals. The key appears to be staying visible to busy parole offices and community corrections agents and developing a track record that stimulates self-referrals among parolees themselves.

Implementation Issues

Project architects faced many initial obstacles in the year-long process of planning and opening the Work and Family Center. They include the following:

Housing the Project: Although the original plan was to house WFC with a One-Stop Job Service Center operated by the state employment agency, this was canceled when it was discovered that a clause in the building lease for the One-Stop prohibited ex-offenders from being in the building. Other logical sites were unacceptable because they were not accessible by public transportation or

offered on-site day care that offenders could not access if they had parole plans that restrict their contact with children. WFC also faced severe financial constraints and could only consider donated space. The search for suitable space consumed a great deal of effort during the planning process.

Staffing and Funding: WFC began with no designated funding from a specific agency. Rather, the initial program budget was pieced together by a patchwork of funding sources. One key source was a federal demonstration/evaluation grant from the federal Office of Child Support Enforcement that was awarded to the state CSE. Other funding has come from the Department of Corrections, Rose Community Foundation, and Welfare-to-Work grants awarded by the U.S. Department of Labor's Employment and Training Administration. While all WFC staff are housed together (with the exception of the project attorney and the social worker, who are contractors working on an as-needed basis), the fragmented funding scheme has not permitted the retention of an on-site supervisor. The lack of administrative funding has also meant that various agencies must subsidize WFC and pay for its telephone, computer, and office operating expenses.

Fortunately, in its second year of operation, WFC will be incorporated into the DOC's Division of Reintegration, which will have line-item funding for reintegration services. This should anchor the program financially and cover its administrative costs as well as job placement services. Other agencies will augment these core services and house relevant staff on site, such as a child support technician and a job developer. Finally, foundation awards and special grants will be sought to pay for legal and family therapy services as well as supervised visitation and mediation.

Service Gaps: The fragmented funding scheme has created service inequities. For example, during its first year of operation, relatively few WFC fathers qualified for bus tokens, tools, and other services funded with Welfare-to-Work monies. During this time, the eligibility criteria required that a noncustodial parent have children who are current recipients of TANF. Others did not qualify for funding because they did not get identified as JTPA-eligible while they are incarcerated. Still others who reside in half-way houses are ineligible for services reserved for the homeless population. And Colorado, like many states, has been slow to use TANF funds to pay for services for noncustodial parents. Indeed, most do not qualify for any special "funding streams," which limits the amount of supportive services they can receive. WFC must work with other advocacy groups to broaden funding options and generate more service slots for paroled and released offenders.

Service Issues

The Work and Family Center offers ex-offenders assistance with employment, child

support and family reintegration. Clients who visit WFC have the opportunity to meet with an employment and child support case manager. Depending upon whether they meet the qualifications for Welfare-to-Work, they may also meet with a case manager to discuss other types of services, such as assistance with transportation and work tools. Clients also have access to the services of a family law attorney and a therapist for individual and family counseling and peer support groups, with appointments scheduled on an as-needed basis. Mediation and supervised visitation are other types of services available to clients. Finally, WFC staff provide assistance with food and clothing, Christmas toys for children, and referrals to other community service providers.

Ideally, services should be holistic and address the multiple needs that clients face as they return to the community. Co-location of service providers at a centrally located site is important to minimize transportation factors for clients and reduce time lost on the job. Getting clients seen quickly when they call for an appointment is also critical since employment is typically a requirement of their parole and also necessary if they are to handle their financial obligations.

In addition to these broad service principles, case managers report a variety of desirable practices that pertain to each specific type of service provided at the WFC. They are described below.

Employment Services:

Denver has a strong economy with a 1998 unemployment rate of only 3.2 percent. As a result, many paroled parents find employment on their own and are already employed by the time they come to the WFC. Indeed, based on the experiences of the first 63 clients, 59 percent were employed before their first visit to the WFC. A review of the first 95 clients showed that 61 percent had a full-time job and did not want help with employment.

Those employed on a full-time basis earned between \$5 and \$18 per hour, with the average being \$9 per hour. Less than half of those employed full time (43%) had medical benefits. A quarter of the clients were unemployed when they came to the WFC and the rest worked part-time or at pick-up jobs. About half said they wanted help with finding a job or a better job when they visited the WFC.

The employment counselor referred 15 of the Center's first 63 clients to employers, and seven were employed, for a placement rate of 43 percent. A subsequent review of the first 95 clients served at the Center shows a similar placement situation, with 40 referred to employers and 17 hired, a placement rate of 47 percent. Like the jobs that ex-offenders find on their own, they paid between \$6 to \$10 per hour with an average of \$9 and half carrying benefits. The employment case manager reports the ready availability of a variety of jobs in the construction and wholesaling industries. The employment case manager also provides bonding for clients and goes out to employers and

explains the tax credits available for employers who hire ex-offenders.

Being employed, however, does not necessarily mean that an individual can meet his financial needs. Most employed clients have low wages that do not begin to cover their obligations. In addition to needing to pay for their room and board, half have mandatory payments for substance abuse treatment and a quarter must pay for counseling and anger management classes, which can run up to \$60 per hour. They also must pay for child support and restitution. Taken together, the average amount the first 63 WFC clients owed for past due support was \$12,880, while the average amount owed by the 57 percent ordered to pay restitution was \$2,692.

Reintegration programs must vigorously pursue jobs that pay a living wage and benefits. Follow-up interviews with WFC clients reveal that while most appreciate the help they receive through the program, they cannot make ends meet and have financial obligations that exceed their earnings. While it may be easy to find a job in a boom economy, it remains difficult for ex-offenders to find a good one that pays a sustainable wage and offers benefits. It is also important for case managers to keep in touch with clients and employers once a placement is achieved. Employment successes can help others while failures can be hurtful; both employers and clients appreciate feedback and staff attentiveness.

Finally, case managers must help employers understand the constraints that parolees face and their potential impact on work performance. In addition to mandatory meetings with parole officers and community corrections agents, parolees are frequently compelled to attend treatment programs and go for unscheduled urine tests or antabuse treatments during the work day. Their ability to perform overtime work may be limited by their requirement to spend eight hours per day in a community corrections facility. Finally, their work availability may be further restricted by their need to use public transportation. Employers who are unaware of these competing demands may erroneously conclude that ex-offenders are shirking their work responsibilities.

Child Support Services: WFC clients are typically fathers with two children whose average age is eight years old. Most have never been married to the mother of one or more of their children, and 64 percent of those with two or more children report that these children have different mothers. Only a quarter of these fathers are married through conventional or common law arrangements, with the rest being single or divorced.

Given the number of children these men have with different mothers, it is perhaps not surprising that child support is the most common form of help that clients seek when they visit the WFC, with 77 percent expressing interest. On average, clients have child support orders of \$148 per month per case and owe \$12,880 in past due support to the state (TANF) and/or the custodial parent.

Since child support in Colorado is administered at the county level and the WFC technician is a Denver employee, she only has the ability to make substantive changes to child support cases under the jurisdiction of the Denver County Division of Child Support Enforcement. For Denver County cases, in addition to explaining a client's child support situation, she can: review the existing child support order and modify it to reflect changed financial circumstances; develop a schedule for the payment of support and arrears so that obligations increase on a gradual basis; modify arrears owed to the State; reinstate driver's licenses that have been suspended for non-payment of support; and contact custodial parents about possible modification of arrears. If child support is owed to a custodial parent rather than to the state to reimburse it for TANF payments, the parent must approve of any reduction of the unpaid balance due to her. If a child support case is under the jurisdiction of one of Colorado's other 62 counties or another state, the technician can only explain a client's child support situation and contact the technician in the enforcing county or state to recommend that various modification actions be taken.

In follow-up interviews, clients report strong levels of satisfaction with the services they received from the child support technician. Noncustodial parents are typically confused about their child support situation and their options. They welcome the opportunity to have a personal explanation by a sympathetic staffer. Those who receive more substantial adjustments also welcome the relief they receive. The most common type of adjustment is a reduction in the monthly child support order. The technician was able to make substantial child support changes in 52 percent of Denver County cases (including reinstating suspended driver's licenses). In non-Denver cases, she was able to make changes 25 percent of the time. Forty percent of the WFC's first 63 clients had cases in non-Denver counties where the child support technician had no jurisdiction. Not surprisingly, in their follow-up interviews, these clients often complained about the inability of the child support technician to make changes in their cases.

Having 63 different child support agencies with different policies handling cases complicates the delivery of child support services to ex-offenders. Necessarily, there is a great deal of inconsistency in the child support outcomes that the technician can deliver. Clients find the county-driven structure of the child support program to be confusing and are frustrated by the limited relief they consequently receive. This underscores the importance of developing state-wide policies for incarcerated noncustodial parents and educating child support technicians throughout the state on this population and its special needs.

Reintegration Services: More than one-third (35%) of clients express interest in receiving help with getting to see their children when they come to the Work

and Family Center. This may reflect the fact that many clients report strong relationships with children that were eroded during their incarceration. While 60 percent of WFC report that they had lived with at least one of their children prior to their arrest, only 27 percent of clients report living with one or more of their children following their release. A third report having no contact at all with their children.

The WFC developed two types of services to help clients regain contact with their children, if appropriate. One is mediation services by a professional mediator affiliated with the Office of Dispute Resolution of the Colorado Judicial Department. The second is legal services by a family law attorney. Eight of the first 63 clients served at the WFC actually met with an attorney for legal assistance on issues pertaining to custody and visitation; one client participated in mediation.

In one-on-one sessions, the attorney explains the custody and child support laws. While the resident child support technician works with the ex-offenders initially to reach a reasonable payment plan, the technician cannot give legal advice. After the laws are explained and options outlined, the attorney will provide the inmates with forms or motions necessary to present a particular issue to the court. For example, when child support enforcement initiates a paternity proceeding, the end result is the establishment of paternity and a child support order; no order regarding visitation for the non-custodial parent is entered. In such a case, the attorney may draft a Motion to Establish Parenting Time (Visitation) for the ex-offender to file in Court. The attorney may also explain how to prepare for a hearing on parenting time and provide focus for the parent's case. The attorney will also refer the parent to family counseling to help determine a reintegration plan to present to the court. If, for example, a four year old child has never seen her incarcerated father, the court needs guidance on reintegration rather than just ordering a standard every-other-weekend visitation.

Therapist Interventions: Individual, couple, and family counseling is available to interested clients along with a support group on reintegration issues. To date, these services have garnered relatively few takers, although they have been enthusiastically received by clients who have used them. More to the point, about 20 percent of clients say they want to participate in a peer support group and/or get help with their parenting skills. It remains to be seen whether usage picks up as these services become better known to clients and they achieve some stability in their work and living situation. According to the therapist, individual sessions help pave the way for clients to participate in peer support as they become more comfortable with therapeutic processes and disclosures.

On an individual basis and in groups, WFC clients grapple with reintegration

issues and the frustrations of finding that relationships have changed during their incarceration. Fathers also need help learning how to discipline their children and how to play. One useful resource for group leaders are activities contained in the peer support curriculum developed by NPCL for programs that attempt to teach men to improve their relationships and parenting skills.

Therapists face many challenges when they attempt to serve paroled offenders. With their employment schedules, parole supervision visits, limited transportation resources, and mandatory therapy commitments for anger management, domestic violence, and substance abuse, paroled offenders have little free time and many conflicting demands. As a result, it is extremely hard to simply schedule a time for peer support group meetings. To facilitate access to services, the therapist has conducted some in-home visits for assessment and treatment, particularly for individuals who are perceived to be in crisis. This is an approach to service delivery that has been used to advantage with other hard-to-serve populations, including the developmentally disabled and homeless.

Other Support Services: Case managers have limited resources to help clients meet their basic needs. Although those who have a child who receives public assistance may qualify for welfare-to-work funding and be eligible for transportation assistance, clothing vouchers, and tools for work, it appears that only 25 percent of WFC clients qualify. Most clients do not qualify for special funding, with the proportion wanting help with transportation, work tools, clothing, and food ranging from 30 to 41 percent. Still others who need medical and dental help are precluded from using services established for the homeless if they reside in a halfway house.

Case managers clearly need know about community resources and be adept at making suitable referrals. Providers of services for low-income populations need to review their eligibility requirements to eliminate barriers for paroled and released offenders. Programs also need to be able to access funds for support services that are not restricted by eligibility requirements. Some promising developments are on the horizon. Newer welfare-to-work grants are less restrictive than older ones and should translate into more resources for released, non-custodial parents. TANF dollars may also be a funding option to assist this population so long it goes to promote job preparation, work, and marriage and/or to encourage the formation and maintenance of two-parent families.

Needed Services: Perhaps the most serious unmet need that ex-offenders face is a lack of affordable housing. Most (80%) live in a house or apartment; the rest live in a half-way house. While living with parents is the most common arrangement, nearly one fifth of those who live independently live alone and another fifth live with friends. Help with housing is the fourth most

frequently cited form of assistance that WFC clients request with 38 percent indicating that it is a problem.

Like many other settings, Denver's economic boom has resulted in a dramatic reduction in low-cost housing. Some housing programs cannot be used by incarcerated individuals. Other programs are only available for families who have been relocated from shelters or homeless women with children. Sex offenders face the most severe restrictions and the most limited housing options. To complicate matters further, the DOC was recently forced to remove shelters from the list of approved housing arrangements that paroled obligors may utilize for an acceptable parole plan due to Denver passing a municipal ordinance (currently under review) prohibiting offenders from living in shelters. The failure to obtain acceptable housing can lead to revocation of parole and the reincarceration of a released parent.

There is no obvious solution to this problem and it argues for the purchase and renovation of abandoned buildings for occupancy by ex-offenders. One model program that is being replicated in several cities is the Doe Fund in New York City which trains and hires formerly homeless individuals, including those with incarceration and substance abuse histories, to renovate city-owned apartments. This program is described in greater detail in the WIN Design Brief on Housing-Based Employment Programs (Fredrica D. Kramer, "Designing a Family-Centered, Housing-Based Employment Program," Welfare Information Network, Volume 1, Issue 1, April 2000)

Evaluation: Does the WFC help individuals remain employed, make their child support payments, and succeed on the outside? These are the key questions the Center for Policy Research is trying to answer in its evaluation of WFC. The assessment involves collecting background information about clients, the services they receive, and their subsequent experiences with employment, child support payment, contact with children, and return to prison. The evaluation combines information provided by clients when they visit the WFC with records kept by case managers. To reliably gauge child support payment patterns and recidivism, the evaluation includes information on payment and re-incarceration for clients on automated databases maintained by the child support agency and the Department of Corrections. In addition, clients are interviewed by telephone six months after they are seen at the WFC and asked about their lives, their experiences with WFC, and its more lasting utility.

Conclusions

The majority of incarcerated men (61% to 68%) and virtually all incarcerated women (78% to 82%) are parents. Incarceration depletes the resources for supporting children in low-income families. Research shows that men released from prison do poorly in the labor market and that the stigma of incarceration

makes them unattractive partners for marriage and cohabitation. Without intervention, released men will be unable to contribute financially to raising children and be uninvolved in parenting. Lacking family relationships after their release, they will miss the informal social control mechanisms exercised by the family. The result may well be higher levels of child poverty and even higher rates of crime and recidivism. For incarcerated women, the fastest growing sector of the U.S. prison population, the neglect of parenting issues may result in disrupted living arrangements for children and the termination of parental rights.

Colorado has begun to attempt to address some of the problems that incarceration poses for families through a mixture of planned and ad hoc programs dealing with employment and child support. The effort has been initiated and administered by a plethora of players: administrators and line staff in the Department of Corrections and the Division of Child Support Enforcement, researchers, lawyers, mental health professionals, child welfare workers and advocates. Clearly, an appropriate response requires a multi-agency approach. It must also be complex in order to tackle the host of practical and political issues associated with incarcerated parents. Of course, the ultimate results of Colorado's programs cannot be determined until the evaluation component has been completed. In the interim, however, Colorado's experiences may help other jurisdictions begin to anticipate the choices they will need to make and plan a program that suits their needs.

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References

Beatty, C. 1997. "Parents in Prison: Children in Crisis." Child Welfare League of America.

Beck, A.J. 2000. "Prisoners in 1999." Bulletin, Bureau of Justice Statistics. Washington, D.C.: U.S. Department of Justice.

Cavanaugh, K.F. and D. Pollack. 1998. "Child Support Responsibilities of Inmates," CorrectionsCompendium, May 1998: 7-13.

Field, G. 1998. "From the Institution to the Community." *Corrections Today*, October 1998:94-97.

Finn, P. 1999. "Job Placement for Offenders: A Promising Approach to Reducing Recidivism and Correctional Costs." *NIJ Journal*, July 1999.

Griswold, E. and J. Pearson. 2000. "County Policies and Attitudes Toward Incarcerated NCPs." Denver, CO: Center for Policy Research.

Hairston, C.F. 1998. "The Forgotten Parent: Understanding the Forces that Influence Incarcerated Fathers' Relationships with Their Children." *Child Welfare*, Vol. LXXVII, No. 5. September/October 1998.

National Center on Fathers and Families. 1998. *Fathers in Prison: A Review of the Data*. Philadelphia, PA: NCOFF Issue Brief.

National Center on Fathers and Families. 2000. "State Policy Series on Family Support and Father Involvement." Washington, DC: NCOFF State Policy Series Brief.

Pearson, J. and L. Davis. 2000. "Preliminary Report on the Work and Family Center." Denver, CO: Center for Policy Research.

Seymour, C. 1998. "Children with Parents in Prison: Child Welfare Policy, Program, and Practice Issues." *Child Welfare*, Vol LXXVII, No. 5, Sept/Oct. 1998.

Skolnick, J.H. 1960. "Toward a Developmental Theory of Parole." *American Sociological Review*, 25(4): 549-900.

U.S. Department of Justice, 2000. "U.S. Correctional Population Reaches 6.3 Million Men and Women." Press release, July 23, 2000. www.ojp.usdoj.gov/bjs.

U.S. General Accounting Office. 2000. "State and Federal Prisoners: Profiles of Inmate Characteristics in 1991 and 1997." GAO/GGO-00-117, May 2000.

Western, B. and S. McLanahan. (n.d.) "Fathers Behind Bars: The Impact of Incarceration on Family Formation." Unpublished paper. Princeton University, Office of Population Research.

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