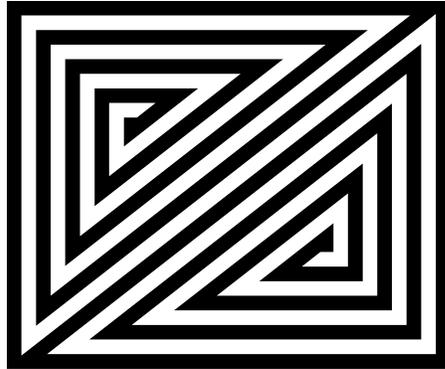


Planning for Your Children



A Resource to Help You Plan for Your Children
While You Are in Jail or Prison

Careful planning NOW will help your children
have a happier childhood and a more successful future.

You've been arrested and you're going to jail or prison... How do you tell your children?

This is hard. But obviously you have to tell them you will be gone. You also have to tell them where you are going. If you do not tell them, someone else will.

Children of all ages miss their parents and can feel abandoned. If they are lied to, or they don't know why you've left them, it could be hard for them to love or trust you.

There's probably no one *right way* to tell your children. And it depends a lot on how old your children are. But no matter what:

- Tell your children the truth.
- Tell them that you are going to jail or prison – or that you already are in jail or prison.
- Tell them that what is happening to you is *not their fault*.
- Tell them you love them.

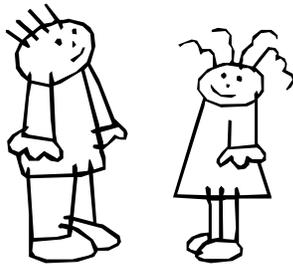
Don't make promises to your children while you are in jail or prison. Lots of things may change, and lots of things might not be under your control. Unkept promises hurt your children and cause them to not trust you.



This booklet will give you some suggestions about how to tell your children the truth. It will also give you some suggestions about how to make a plan to be sure your children will be safe while you are in jail or prison.

Contact with Your Children

Your children's adjustment to your being gone depends a lot on their being in regular contact with you. But keep in mind, sometimes children go through a period of time not wanting to visit you. That is normal. Be sure your children know how to reach you, especially if there is an emergency at home. Let them know when they are allowed to call you and when they can visit. In some cases, the court might order that you have no contact with your children for some period of time. It is very important that everyone obey these court orders.



What you might say...

Age 0 – 2

If you have a little child, you should tell them something like:

- Mommy/Daddy is in prison and will be gone for a long time.
- I love you very much and miss you everyday, but I have to stay here.
- While I'm away, I want to draw pictures for you, and you can draw pictures for me.
- We can talk sometimes on the phone. I like talking to you.
- Grandma (or other caregiver) loves you too and will take good care of you.

Age 3 – 5

For a child three to five years old, you could say everything above and add:

- This is not your fault.
- I have to be here because I made a mistake.
- I'm learning not to make that mistake again.



Age 6 – 11

For a child six to eleven years old, you could say everything above and add:

- I used drugs (for example), and it was a mistake. I hope you never make that mistake.
- I can understand that you might be mad at me.
- I was hanging around with people who get into trouble. Hanging around with the wrong people can get you into trouble, too.
- My sentence is until (date), but I'm trying to earn good time so I can get out earlier.



Age 12 – 18

For children age 12 and older, you could tell them all the above. You might also add:

- You have a lot of reasons to be mad at me. I'm sorry I hurt you.
- We should talk about you and what you want to accomplish in your life.
- I need to know how I can help you.

Will My Children Be Safe?

Think about your children and the person taking care of them. Some things may worry you. You want to feel sure that your children are well cared for and that they are safe. Look at these questions and mark them yes or no.

- Does my children's caregiver want this role?
- Does this person like children, noise, and mess?
- Are the house and yard safe and free from dangerous places where my children could get hurt?
- Is the household free of drug and alcohol abuse?
- Will the caregiver make time to play with my children?
- Will my children's caregiver have time to listen to what my children are saying?
- When my children's caregiver gets angry, will he or she be able to control his/her temper and not hit the children?
- Can the caregiver set rules for behavior?
- Does the caregiver know how to say nice things to the children...to praise and encourage them?
- Would I have felt safe if I had been left there when I was little?
- Are my children safe from physical or sexual abuse at the caregiver's home?
- Will my children's caregiver talk about me in a fair way while I am gone?
- Will the caregiver help my children phone, write, or visit me while I am gone?

If you have marked any of these questions NO, please talk about this worry with your caseworker or CYFD Worker. Together you may be able to figure out some other ways to keep your children safe while you are gone.

Choosing a Caregiver

Your children's safety and well-being while you are gone depends on their caregiver. Your children will do better if there is a safe and loving home for them to live in. It's best if they can stay in the same school and do not have to move around while you are gone.

Probably the best choice would be for your children to live with a relative they know and are comfortable with. If you are not sure who your children could live with, talk to your caseworker or CYFD Worker.

If your children are living with a relative or a family friend, that caregiver will need your permission in order to make medical decisions, to enroll your children in school, sign them up for sports, and so forth. One way to take care of this is to sign a **Power of Attorney**. This is basically a "permission slip" from you. It's good for six months, but it can be taken back any time.

The children's caregiver has some other options, some of which are better than others depending – in part – on how long you will be in prison.

The caregiver could fill out a **Caregiver's Authorization Affidavit**. This is a legal paper that allows them to make decisions about the children. It has to be signed by the caregiver and notarized. It's good for up to one year, and can be taken back any time.

If you will be locked up for a long time, you might consider consenting to a **Kinship Guardianship**. This means your children's caregiver is appointed legal guardian by the court. This suspends your parental rights, but it does not terminate your rights. It leaves the door open for you and your children to get together again in the future.

There is a booklet which will help with these legal issues. It's called *Away from Home: Children & Youth Living Apart from their Parents – Guardianship and Other Options for Family & Friends Caring for Children & Youth*. Ask your caseworker to help you get a copy, or call the Administrative Office of the Courts at 505-827-4800 and ask for a copy of the booklet.

Discipline

Discipline is the job of your children's caregiver and needs to be done at the time the problem occurs. Do not discipline or threaten your children over the phone, in letters, or during visits while you are in prison. You need to let your children know that you support the caregiver. However, if you have concerns about discipline, you should talk about these concerns with the children's caregiver.

School

Be sure to ask your children's caregiver to call the school, so the school will know who is responsible for the children.



Resources for Your Children & Their Caregiver

Your children's caregiver may need help meeting the children's needs, making sure they have enough to eat, get the health care they need, or get a good education. The children or the caregiver may be eligible for government benefits. Tell the caregiver to call the local Income Support Division office to find out if the children are eligible for TANF or Medicaid, or if the family is eligible for food stamps or housing assistance.

There is a booklet that talks about resources which might be available for your children or their caregiver. It's called *Stepping Up to Care for a Child*. Ask your caseworker to help you get a copy, or call the Administrative Office of the Courts at 505-827-4800 and ask for a copy of the booklet.

Some Information You May Need

Children's Phone Number: _____

Children's School Phone: _____

Visiting Hours for Children: _____

My Caseworker/CYFD Worker: _____

Children's CYFD Worker: _____

Other Phone Numbers:

_____	_____
_____	_____
_____	_____



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For further information about the New Mexico Supreme Court's
Court Improvement Project Task Force, contact the
Administrative Office of the Courts, 505-827-4800

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