Report to Governor Bill Richardson
From the
Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents:
Leaving No Child Unattended

NEW MEXICO EXECUTIVE ORDER NO. 2006-022

Respectfully Submitted November 1, 2006
Report of the Governor’s Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents

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Executive Summary

Nationally, an estimated one in thirty children has a parent behind bars. These children have committed no crime, but the price they pay is enormous. They may find themselves in the back seat of a police car, being delivered by strangers to an unknown location. They may be left to fend for themselves, not knowing why their mother or father hasn’t come home. They often move from caregiver to caregiver.

The trauma that children suffer from this sudden separation from their sole or primary caregiver leaves most vulnerable to fear, anxiety, anger, sadness, depression, or guilt. Without immediate positive intervention, the behavioral consequences can be severe: emotional withdrawal, school failure, delinquency, gang involvement, or drug use. Approximately one-third of the children involved in the juvenile justice system have a parent in jail or prison.

Often, parents who are arrested are afraid to admit that they have a child who needs to be cared for – afraid that their child will be placed in foster care, afraid that their parental rights will be terminated. Unless the child is present during their parent’s arrest, there is no system in New Mexico for identifying an arrestee’s children.

The children of incarcerated parents are not the specific responsibility of any state agency or department in New Mexico, although many agencies have contact with a portion of these children and their caregivers. Because there is no specific responsibility for these children, the State does not have accurate data on the number of children with incarcerated parents – who they are, how old they are, or who is currently caring for them.

These children are largely invisible to the criminal justice and social services systems.

Too often, these children fall between the cracks.

On May 9, 2006, Governor Bill Richardson signed Executive Order 2006-022, establishing the Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents. Charged with investigating arrest protocols, visitation practices within detention facilities, and existing resources for children and caregivers in the State of New Mexico, the Commission makes the following recommendations:

**Recommendation 1: Enact legislation to provide a statewide standard for law enforcement directing that children will be identified upon parental arrest.**

Appropriate $100,000 to develop and implement training and protocol on the new law, to train law enforcement on the importance of securing child safety when parents are arrested and protocols to secure the safety of children who are not present at the time of arrest. The training module will also incorporate the effects on children of witnessing a violent crime or other event known to emotionally harm children, including the arrest of
a significant person in the child’s life and how law enforcement can assist in mitigating the long-term effects of such trauma.

**Recommendation 2: Address the safety and welfare of children of incarcerated parent(s) by establishing community-based Child Resource Advocates to work within the local detention facilities.** Appropriate $2.4 million annually for community based contracts and to develop standards, manage contracts, collect data and evaluate program outcomes.

These community-based contractors will work within local detention facilities to link children and their caretakers to resources and facilitate communication and visitation between children and incarcerated parents. Program goals also include assisting with family reunification following release.

**Recommendation 3: Request an appropriation to establish contact visitation between jailed and incarcerated parents and their children at four demonstration sites.** Appropriate $520,000 annually to contract with four detention facilities for the development of enhanced visitation programs that address the need for physical contact between children and their parents, by allowing them to interact closely in child-oriented environments, thereby reducing the amount of stress experienced by parents and children during visitation.

Contact visitation between children and incarcerated parents is minimal or non-existent in detention facilities. By comparison, the New Mexico Corrections Department supports parent-child contact visitation programs for incarcerated parents in the state’s prisons. The Commission believes that contact visitation can be implemented in detention facilities without compromising the safety of correctional staff or an increase in contraband being brought into the facilities and that contact visitation will be beneficial to the children and rehabilitation efforts for the parents. To fulfill this recommendation, four detention facilities statewide will develop and implement a contact visitation program.

The Commission recommends that demonstration sites be established at four detention centers where contact visitation between jailed parents and their children would be allowed under conditions established by the facilities and the Association of Counties. One of the demonstration sites would be a detention facility that has an intergovernmental agreement with a New Mexico tribe or Pueblo to assess the process for serving Indian families. The appropriated funds will provide staff to provide security and monitor visits, to evaluate the outcomes, and to develop space accommodations. An evaluation report on the demonstration shall be required after two years of operation.

**Recommendation 4: When contact visits are not possible, provide visitation through video conferencing.** Appropriate $400,000 to link CYFD video conferencing equipment with NMCD video conferencing within prison facilities.
Even though the New Mexico Department of Corrections allows contact visitation, oftentimes the distance between the child’s place of residence and the facility that houses the parent is an impediment to visitation. Currently, a teleconferencing system is available in CYFD county offices, which allows communication among those offices. Prisons also have some teleconferencing capability. Additional equipment is needed to link these systems, which would allow almost statewide availability for video conferencing for parent-child visits.

**Total Funding Requested: $3,420,000**
Introduction

Report Authority

On May 9, 2006, Governor Bill Richardson signed Executive Order No. 2006-022 to establish the Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents, consisting of 11 appointed members. The Commission was further supported by 12 other experts and community stakeholders. The Executive Order acknowledges that New Mexico must work to improve access to services that will safeguard the development and well-being of children and youth whose parents are jailed\(^1\) or incarcerated\(^2\). This order also identifies the need to strengthen communication and collaboration between agencies, communities, and other stakeholders to best serve these children.

The Commission was charged with investigating arrest protocols; visitation practices and policies within the jail systems; and existing resources connecting children and caregivers to available services. Following this investigation, and guided by the state’s Family Preservation Act\(^3\), Senate Joint Memorials 15, 16 and 50\(^4\), and the Children’s Bill of Rights\(^5\) as written by the San Francisco Partnership for Incarcerated Parents, the Commission developed recommendations consistent with the following goals:

1. Identifying children at time of parental arrest;
2. Linking children and their caregivers to services and resources; and
3. Ensuring children have access to incarcerated parents through visitation.

In the course of developing this report and its recommendations, the Commission visited the family visitation program at the Grants Women’s Facility in Grants, NM; completed an informal service system analysis of visitation procedures; surveyed visitation procedures for detention facilities statewide; reviewed New Mexico’s law enforcement and detention facility protocols on visitation; and reviewed contemporary literature, research, and reports from states with visitation programs (e.g., Virginia, Oregon, Washington) on the needs of, and findings on, children of incarcerated parents.

Effect of Parental Incarceration on Children

One unintended consequence of the recent dramatic increase in incarceration rates of both men and women in the United States during the past decade is the profound effect on their children. In 1999, 10\% of our nation’s children – 7.3 million – had a parent in prison or jail, or on probation or parole (Mumola 2002). Annually, nearly 1.5 million children nationwide have parents detained, jailed, or imprisoned at any given time.

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\(^1\) Jailed refers to any detention in a local detention facility or jail prior to sentencing.
\(^2\) Incarcerated refers to any detention within the justice system at any time, either prior to sentencing or after.
\(^3\) Appendix E.
\(^4\) Appendices F, G and H.
\(^5\) Appendix I.
In New Mexico alone, up to ten thousand children every year have a parent in a local, state, or federal correctional facility (PB&J Family Services 2002). Unfortunately, because there is no statewide requirement for identifying minor children at the time of arrest, there is no way of knowing exactly how many children currently have parents in jail. Parental separation due to incarceration deeply impacts children’s psychological, developmental, and financial well-being.

**Psychological:** Children with incarcerated parents are found to suffer the trauma and shame of social stigma, which manifests as depression, anxiety, social isolation, diminished self-concept, decreased attention span, decreased concentration, increased affect deregulation, and acute traumatic stress (Gabel & Johnston 1995; Santana 2003).

**Developmental:** Children with incarcerated parents suffer from interrupted normative development due to parental separation, which often results in impaired parental bonding, separation anxiety, delayed socio-emotional development, regression, rebellion, and risk for intergenerational crime and incarceration (Gabel & Johnston 1997). Children’s sense of industry is also disturbed, affecting their ability to be productive at school and often leading to increased academic, disciplinary, and truancy issues (Santana 2003).

**Financial:** Children with incarcerated parents suffer socioeconomic setbacks. At time of incarceration, 68% of incarcerated fathers were the primary wage earners for their families. The loss of this income results in a clearly disproportionate burden for already impoverished families (Urban Institute Justice Policy Center 2005).

Although research reports that children are resilient in the context of parental protective factors, relative, academic, and community support (Santana 2003), one child in ten with an incarcerated parent – or one thousand of the average ten thousand children per year in New Mexico – will become involved with the juvenile justice system before reaching adulthood. Of the “hard core” delinquents, as many as 70% of them had fathers who were consistently absent (Wallerstein 1991). These children are also at greater risk for gang involvement, exposure to violence, and entering the cycle of intergenerational incarceration (Wear Simmons 2000; PB&J Family Services 2002), with as many as one in five being incarcerated at some stage of their life.

**The Critical Role of Visitation in a Child’s Life**

Particularly important to the well being of children and the success of parental reintegration is consistent and continued parent-child contact. Studies have shown that children whose parents maintain contact with their families through letters and visits are less likely to suffer additional separation because their parents are less likely to recidivate than inmates who didn’t maintain contact with their families. The most critical element of visitation is physical contact – the ability of children to actually touch their parent.
Studies have demonstrated that positive physical contact is necessary for a child to successfully bond with a parent, to forge positive relationships later on in life, and to thrive. Lack of that physical contact can hinder communication between children and their parents during visitation, and can place children at risk of failure to mature emotionally (Arditti 2003, Séguin & Zelazo 2005, Field 1998, Field 2002, Mariana 1998, Lyons-Ruth 1991). Enhanced visitation offers a means to normalize interaction between incarcerated parents by providing more flexible visiting schedules, play areas to allow positive interaction, and longer, more meaningful contact times. Analysis of the available research has shown that frequent, regular visitation is beneficial to children, and that children afforded such opportunities score higher on measures of well-being, IQ, emotional, adjustment, and behavioral measures (Johnston 1995).

Although this contact is vital, multiple barriers exist, and over half of incarcerated parents report never being visited by their children. Children with incarcerated mothers face even more barriers because detention facilities are fewer, requiring an average 160 mile one-way trip for visitors from their home community. Transportation is perhaps the single largest barrier to children visiting incarcerated mothers (Urban Institute Justice Policy Center 2005; Mumola 2000).

Children of incarcerated parents are in a constant state of agitation and worry. Many blame themselves for their parent’s absence. The conflict between this fantasy and the reality exacerbates the anxiety, stress, and trauma children already suffer due to the separation. Contact with incarcerated parents allows children relief from this anxiety, stress, and trauma; and physical contact plays a significant role in this relief, because that contact provides necessary reassurance to the child that the parent is actually physically present.

Children of incarcerated parents often lose what others take for granted: nurturance, the freedom to develop a positive relationship, a sense of safety and security. Girls suffer from a negative body image and often perform poorly in school; boys fail to learn how to mediate their aggression, and often feel that they are responsible for protecting their family. Both genders suffer the stigma of having a parent in jail. All of this can result in children who are sullen, withdrawn, anxious, and aggressive, and these behaviors can escalate into oppositional-defiant behavior (Jones 2002).

For children between the ages of two and six years, their ability for age-appropriate development may be damaged by both the trauma from the arrest and the parent-child separation. Children at this age are old enough to remember these events, but not old enough to understand what is going on (Johnston 1995).

Children aged seven to ten years with incarcerated parents often develop aggressive behaviors and have difficulty getting along with others, particularly in school. During early adolescence (11 to 14 years), children often develop maladaptive behavioral patterns and reject limitations on their behavior. It isn’t until a child reaches late adolescence that they are equipped to handle the trauma of parental arrest and subsequent separation, but by then, most children with incarcerated parents have
already experienced a lifetime of disruption and trauma related to parental incarceration, resulting in a decreased likelihood of reunification and an increased risk for delinquency and negative perceptions of the criminal justice system, or other forms of authority (Johnston 1995).

Regular visits allow children to express their emotional reactions to the separation, help parents to deal with separation and loss issues, help the children develop a more realistic understanding of their parents’ circumstances and allow parents to model appropriate interaction. Regular visits also allow children to maintain existing relationships with their parents leading to successful family reunification (Johnston 1995).

Ultimately, the most critical part of helping families maintain parent-child bonds is early implementation of visitation after arrest. Barriers to this include the time incarcerated parents spend detained in local jails where visitation does not readily occur, an average of four to five months, before sentencing and transfer to prison, where geographical distances can often prevent or limit visitation.

**Incarcerated Mother**

The changes in a child’s life when a parent is incarcerated are even more dramatic when that parent is the mother. Two-thirds of imprisoned mothers report that they are the sole custodial parent at the time of their incarceration. Of these children, more than half are placed with their grandparents, 28% with their father, and the remaining 10% are placed in foster care. By contrast, 90% of the children whose fathers are incarcerated remain in their mother’s care during the incarceration period (Urban Institute Justice Policy Center 2005).

Although women currently make up only 7% of the nation’s prison population, they are the fastest growing population of incarcerated people (Center for Law and Social Policy). Since 1993, the number of male prisoners in New Mexico has increased by less than 200%. During that same time period, the number of women inmates in New Mexico has increased over 325%, from a daily average of 189 to an anticipated 618 in 2006 (New Mexico Corrections Department), and women now make up 9% of the New Mexico state prison population.

**Parent-Child Visitation in New Mexico**

To determine how New Mexico detention facilities handle contact visits between inmates and their minor children, all county detention centers were asked whether they currently permit such visits. Twenty-two detention facilities responded. Fifteen respondents did not permit such visits. One respondent, for the most part, didn’t allow such visits but considered requests on a case-by-case basis. Four of the seven that do

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6 Detention facilities and jails are used for pretrial detention and for incarceration of individuals serving sentences of up to 364 days. See Capacity Chart, Appendix J.
permit such visits do so under site-specific policies: either in response to court orders, at the request of the Children, Youth, and Families Department, with contact limited to immediate family, or with the visit supervised by a guardian.

Most detention centers currently allow non-contact visitation between inmates and their minor children, but a few do not allow children under the age of 16 to enter the facility, meaning that these children could only have contact with an incarcerated parent over the telephone, and two others require a guardian to be present at the time of the visitation.

The New Mexico Corrections Department supports parent-child contact visitation programs for incarcerated parents in the state’s prisons, but these visits are often limited because of geographical barriers.

Other barriers to contact visitation in New Mexico include court jurisdiction, as when tribal prisoners in the jurisdiction of a tribal court are being held in a county detention facility. The contract arrangements allowing for this housing often have limited or no provisions for allowing tribal detainees access to additional county or state funded services which could preclude contact visitations with their children. Consequently, in order to ensure equity in treatment, steps will need to be taken to ensure that, when Indian children have parents in the jurisdiction of a tribal court and incarcerated in a county or state operated facility, they receive the same services provided for any other child.

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7 Prisons are for post-sentencing incarceration.
Recommendations

Children of incarcerated parents are at high risk for a number of negative behaviors, including school failure, delinquency, and intergenerational incarceration. The personal and social costs of these behaviors are high. The Commission is deeply committed to enhancing the safety and well-being of the children of jailed or incarcerated parents by ensuring these children access to their parents, and to the community-based services and resources that will help them through this difficult time. It is the Commission’s intent that the recommendations in this report will help guide the development of legislation, policy, and programs congruent with children’s needs.

**Recommendation 1: Enact legislation to provide a statewide standard for law enforcement that children will be identified upon parental arrest.**

New Mexico currently lacks a legal requirement to compel law enforcement officers to inquire about or otherwise assess the welfare of children at the time of parental arrest. Although law enforcement in New Mexico makes reasonable efforts to assure the safety of children who are present at the time of arrest, children may be at school or home alone when the parent is arrested. Without identifying children for whom arrangements need to be made, a child may be left alone for hours, even days without knowing what happened to their parent.

The Commission recommends that legislation be passed requiring that, when children are not present upon arrest, law enforcement officers inquire, if possible, whether children will be at risk as a result of the arrest of the parent. The legislation should also make provisions for developing and implementing training and protocols on the new law, which will train law enforcement on the importance of securing child safety when parents are arrested, and securing the safety of children who are not present. In addition, the training of law enforcement will incorporate the effect on children of witnessing a violent crime or other event known to emotionally harm children. This includes the arrest of a significant person in the child’s life and how law enforcement can assist in mitigating the long-term effects of such trauma.

The Commission requests a non-recurring appropriation of $100,000 to the Department of Public Safety to develop protocols and training to implement the legislation.

**Recommendation 2: Address the safety and welfare of children of incarcerated parent(s) by establishing community-based Child Resource Advocates (CRAs) to work within the detention facilities.**

These community-based contractors will work within local detention facilities to link children and their caretakers to resources and facilitate communication and visitation between children and incarcerated parents. Program goals also include assisting with family reunification planning following release and ensuring equity of treatment for all.
children of detained parents. The CRAs would work closely with other community-based organizations, the Association of Counties, the Public Education Department, the Children Youth and Families Department, the Human Services Department, the Aging and Long-Term Services Department, the Department of Health, Value Options-New Mexico, and other partners to accommodate assessment, referral, and provision of human and social services to children and their caregivers. (See description: Appendix A.)

**The Commission recommends that legislation be passed** to establish community-based Child Resource Advocates to work within jails and detention facilities to determine whether child safety is an issue and to develop a system of referrals and linkages to support services for children of jailed parents and their families.

**The Commission requests a recurring appropriation** of $2.4 million to CYFD to contract with community based providers to establish CRAs, develop standards, manage the contracts, collect data, and evaluate outcomes. This amount is based on the approximate number of jailed or incarcerated adults and youth with children who need intervention (estimated at 1,500, based on New Mexico prison bed counts and national data), an annual salary for advocates of $55,000, including salary, benefits and overhead, and a case load of 38 cases; $100,000 for a CYFD manager position, including salary, benefits, and overhead; and $100,000 for development of a data collection system, data analysis, and ongoing program evaluation.

**Recommendation 3: Establish contact visitation between jailed and incarcerated parents and their children while protecting the safety of corrections employees and facilities.**

Contact visitation between children and incarcerated parents is minimal to non-existent in detention facilities. By comparison, the New Mexico Corrections Department supports parent-child contact visitation programs for incarcerated parents in the state’s prisons. The Commission believes that contact visitation can be implemented in detention facilities without compromising the safety of correctional staff or an increase in contraband being brought into the facilities and that contact visitation will be beneficial to children and rehabilitation efforts for the parents. To fulfill this recommendation four detention facilities statewide will develop and implement a contact visitation program.

The Commission identified the need to assure that services to Indian children and families were also assessed as part of the demonstration. Many tribes and pueblos have already entered intergovernmental agreements with local governments to house tribal members in county and city detention facilities. At least one of the four demonstration sites should have an intergovernmental agreement in place. These demonstrations sites will need to make physical space adjustments to accommodate safe visits and will need to appropriately monitor the visits.

The Commission has identified the Association of Counties as the appropriate organization to assist with and coordinate the demonstration. Standards and protocols
for contact visitation will be developed in conjunction with the four demonstration sites. After two years, demonstration outcomes will be reported to the Governor and the Legislature.

The Commission requests an appropriation be made to establish demonstration sites at four jails where contact visitation between jailed parents and their children would be allowed under conditions established by the facilities and the Association of Counties. An evaluation report on the demonstration will be required after two years of operation. Outcome measures will include the effect of contact visits on contraband, well-being of children, staff safety issues, and institutional behavior.

The Commission requests a recurring appropriation of $520,000 to provide the resources necessary to the demonstration sites for staff to monitor visits and for space accommodation, and to evaluate the outcomes at the demonstration sites. This includes approximately $100,000 for each demonstration site and $120,000 for program development, data collection, and evaluation.

Recommendation 4: When contact visitations are not possible, provide visitation through telephone or video conferencing in prisons.

Even though the New Mexico Corrections Department allows contact visits, distance and lack of transportation often makes in-person visits impossible. Teleconferencing is currently being used to supplement in-person visits in New Mexico through the Tele-Visitation for Children of Prisoners program offered by PB&J to Albuquerque-based children of parents incarcerated in the Hobbs prison facility.

The Commission recommends that teleconferencing be expanded. CYFD has teleconferencing equipment in some county offices, but that equipment accommodates communication with other CYFD sites only. The Corrections Department has teleconferencing equipment in prisons. Additional equipment or upgrades will allow the two systems to communicate, thereby expanding the network statewide with minimal effort. This linkage would greatly increase the ability to connect children with incarcerated parents.

The Commission requests a non-recurring appropriation of $400,000 to establish video conferencing capability between the CYFD system and NMDC facilities. The funds would be used for the purchase and installation of teleconferencing equipment.

Budget request grand total: $3,420,000
Promising Practices: Importance of Parents and Children Together (ImPACT)

At both national and state levels, little longitudinal research exists on the efficacy of service interventions with children whose parents are jailed or incarcerated. To overcome this lack of an evidence base, various intervention models are currently being developed and studied as being promising. Within New Mexico, one promising practice is the Importance of Parents and Children Together (ImPACT) Program offered by Peanut Butter and Jelly Family Services (PB&J). The ImPACT Program has been shown to be promising in its effective reduction of recidivism, successful family reunification, and improvement of inmate conduct.

The ImPACT Program serves the children of incarcerated parents and their parents and caregivers through therapeutic interventions and visitations, six-month didactic parenting training, counseling, case management and pre- and post-incarceration reintegration services. Currently, incarcerated mothers and fathers nearing release in three New Mexico state prisons are eligible for ImPACT services. ImPACT services seek to enhance parent-child bonds, increase parenting and substance use recovery skills, and reduce domestic violence and recidivism. This program’s efficacy can be seen in the documented attendance rates for participating inmates, their consistent good conduct, and their committed engagement to this program.

Of particular significance is the small pilot program at the Metropolitan Detention Center (MDC) in Albuquerque, which is providing the first contact visitations statewide for jailed parents and their children. During the pilot period of May to June 2006, the ImPACT Program served four families. Contact visits were contingent on inmate behavior and consistent attendance in parenting classes. All four families successfully completed the program, with one mother successfully reintegrating in the community and bonding with her newborn child, and another family creating a natural bridge for safe, consistent visitation of the children while the mother completed her sentence in the Grants Prison. This program has now received funding and will begin offering therapeutic family visitation, parenting classes and case management to inmates in MDC, while children and caregivers can access the array of supportive services provided to Native American families and other families residing in Bernalillo County.

The ImPACT Program also offers the KidPACT component, a program offering therapeutic and supportive services to South Valley elementary and middle school students whose parents are incarcerated. KidPACT provides a venue within which children and their caregivers can cope with parental incarceration through counseling, support groups, comprehensive treatment team management, case management, and home visitation. KidPACT aims to address the effect of parental incarceration on children’s development, enhance their school attendance and performance, and reduce social stigma and negative behaviors. KidPACT also seeks to reduce youth substance use and abuse, and to abate the cycles of intergenerational incarceration or juvenile justice involvement.

Another promising program, progressive for its scope and gender-responsiveness, is the Juvenile Justice Services (JJS) Program offered to pregnant or parenting youth currently...
detained at the Youth Diagnostic and Development Center or the Bernalillo County Juvenile Detention Center. The JJS Program uses a relationship-centered approach to encourage therapeutic bonding and provides attachment sessions that allow parents to spend time with their children in a natural setting and practice parenting, resiliency, and emotional regulation skills. Services continue once youth are released and are on probation. Although it is difficult to determine how participation in this program impacts entry into the adult criminal justice system, outcome data has demonstrated a reduction in reentry into the juvenile justice system among program participants.

Another recent innovation through PB&J is the statewide implementation of Tele-Visitation for Children of Prisoners (TVCP). This program offers an alternative method for maintaining contact between parents and their children when physical contact visitation is not possible. Through successful collaboration, PB&J identified community partners to assist youth in accessing visitation through community-based televideo conferencing equipment. Case management and therapeutic services may also be provided for families who express needs.

With nearly 20 years of experience in providing services for children and parents both in the community and institutional settings, ImPACT offers experience in successful implementation of specialized therapeutic and comprehensive services that demonstrate promising results.
Appendix A: Child Resource Advocate Job Description

1. Receive referrals from parents, relatives, law enforcement, detention facility staff, courts, tribal entities, schools, and others when adults and youth with minor children are incarcerated;

2. When necessary and appropriate, attempt to secure power of attorney for a responsible adult to legally provide temporary care for the children of incarcerated parents;

3. Assess needs, identify necessary support services, and link caregivers, children, and parents to these services;

4. Support facilities in developing contact visitation programs;

5. Facilitate communication and visitation between children and their incarcerated parents; and

6. Collect program data.

Short term (upon parental arrest)
Police and booking questions, and determine emergency placement/contact for children; and Facilitate phone call between parent and children.

Mid-term (parent in jail for more than 5 days)
Assess family situation through intake with parent, determine caregiver, parent, and child needs; Contact caregiver to determine need and establish communication agreement; Contact school, if appropriate, for services to children; Contact Value Options-New Mexico, if appropriate, for behavioral health services for children; Link incarcerated parent with case management to assist with temporary powers of attorney for caregivers; Conduct or arrange home visit, and collect information on child safety and need; Establish and facilitate visitation plan with parent, caregiver, and children; Connect caregiver or family with resources such as Medicaid, foot stamps, TANF, SSI, as appropriate; and Identify and make other needs-based referrals.

Long-term (parent detained for more than a month)
Follow up on visitation plan and child’s well-being; Conduct parenting class at the jail addressing reintegration, parenting, social skills, environmental risk factors (e.g., domestic violence, alcohol and substance abuse), employment, extended family (curriculum and training in provided); Facilitate contact visits between children and incarcerated parent; and Assess post release needs of parent and family.

Qualifications
Ability to navigate service systems, including with the jails. Ability to assess family strengths and needs, and communicate effectively with caregivers. Ability to engage in parent-child parenting support. Familiarity with resources in region through local behavioral health and other community collaboratives. Group/class facilitation skills. Excellent collaboration and communication skills. Familiarity with data collection processes.
Appendix B: Bibliography


Appendix C: Proposed Law Enforcement Procedural Chart

Law Enforcement Field Procedures
Caring for the Welfare of Children of Incarcerated Parents.

- **Arrest**

- Children Present or Not Present at Scene of Arrest

  - Request Voluntary Information on Any Dependent Children Requiring Care and Support in the Absence of Arrested Parent.

    - **Emergency**
      - Complete Statement of "Reasonable Grounds" Form
      - Place in CYFD Custody
      - Report to CRA*

    - **Non-emergency**
      - Identify and Transport to Non-Custodial Parent or Temporary Custodian
      - Assess safety of Home
      - Report to CRA

* CRA - Children's Resource Advocate
Appendix D: Executive Order 2006-022

EXECUTIVE ORDER NO. 2006-022

ESTABLISHING BLUE RIBBON COMMISSION ON THE WELFARE OF CHILDREN OF JAILED AND INCARCERATED PARENTS

WHEREAS, the children of New Mexico are this state’s most valuable resource, and their health, safety and general welfare are critically important to the state’s future;

WHEREAS, New Mexico must become a better place for our children to grow and realize their potential for personal development and success;

WHEREAS, many adults in the state’s jails and prisons are parents of children whose physical safety and emotional well being are often at risk; and

WHEREAS, children of incarcerated and jailed parents would benefit from more effective collaboration and communication among state and local governments and individual and community children service providers.

NOW, THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and Laws of the State of New Mexico, do hereby establish the Governor’s Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents (hereinafter “Commission”), as follows:

1. The purpose of the Commission shall be to study arrest protocols, visitation practices and policies within the jail system, and practices to connect children and caregivers to available services and resources in order to protect the children of arrestee’s without unnecessarily involving the child welfare system. The Commission shall be guided by the principles set forth in the New Mexico Family Preservation Act. NM. Stat. Ann. §§ 40-15-1 et. seq. (1978). The Commission shall develop a broad package of recommendations to the Governor, including a uniform process to identify dependent children upon parental arrest; uniform practices that connect these children and their caregivers to available services and resources; and uniform visitation practices for arrested parents and their children.
2. The Governor shall appoint members of the Commission as follows:
   a. One representative from the Children, Youth and Families Department;
   b. One representative from the Department of Public Safety;
   c. One representative from the Department of Corrections;
   d. One representative from the Aging and Long-Term Services Department;
   e. One representative from the Human Services Department;
   f. One representative from the Department of Health;
   g. At least one member from the New Mexico Judiciary;
   h. At least one member from the New Mexico Municipal League;
   i. At least one member from the New Mexico Sheriff's Association;
   j. At least one member from the New Mexico Association of Counties and
   k. At least one member from a community service provider;
   l. At least one member of a Tribe or Pueblo.

3. The Governor shall appoint the Chair of the Commission.

4. The Commission shall convene monthly and more frequently, as necessary.

5. The Commission shall prepare and present its recommendations for the Governor's
   consideration no later than November 1, 2006.

6. The Commission shall be an advisory body that makes recommendations to the
   Governor and in no event shall it make final decisions regarding policy.

7. The Commission members shall serve voluntarily and shall receive no pay for their
   services, nor shall they be reimbursed for travel or subsistence expenses.

8. The Commission shall be administratively supported by CYFD.

   THIS ORDER supersedes any other previous orders, proclamations, or directives in
   conflict. This Executive Order shall take effect immediately and shall remain in effect until such
   time as the Governor rescind it.

DONE AT THE EXECUTIVE OFFICE THIS 9TH
DAY OF MAY, 2006

WITNESS MY HAND AND THE GREAT SEAL
OF THE STATE OF NEW MEXICO

BILL RICHARDSON
GOVERNOR
Appendix E: Family Preservation Act


Sections 1 through 4 of this act [40-15-1 to 40-15-4 NMSA 1978] may be cited as the "Family Preservation Act".


The purpose of the Family Preservation Act [40-15-1 NMSA 1978] is to confirm the state's policy of support for the family and to emphasize the responsibilities of parents and the state in the healthy development of children and the family as an institution. The Family Preservation Act is also intended to serve as a benchmark against which other legislation may be measured to assess whether it furthers the goals of preserving and enhancing families in New Mexico.

It is the policy of the state that its laws and programs shall:

A. support intact, functional families and promote each family's ability and responsibility to raise its children;

B. strengthen families in crisis and at risk of losing their children, so that children can remain safely in their own homes when their homes are safe environments and in their communities;

C. promote the creation of well-paying, stable jobs so that families can provide for their basic needs, including health, education, food, clothing and shelter; and

D. help halt the breakup of the nuclear family, stabilize neighborhoods and strengthen communities.


A. Parents have joint primary responsibility for the well-being of their family. Parents have the primary responsibility to:

(1) ensure that their children have adequate food, shelter, health care and a healthy environment;
(2) support their children in all ways possible to grow up to be responsible, caring members of society;

(3) ensure that their children receive quality education both in and out of school to prepare them for active and productive adult lives;

(4) protect their children from the serious dangers of narcotics, alcohol and other harmful substances; and

(5) protect their children from all forms of exploitation harmful to any aspect of their welfare.

B. The state has a responsibility to develop plans to:

(1) make available to families free, quality public primary and secondary education;

(2) provide public safety services so that family members are safe in their homes, schools, workplaces and recreational settings;

(3) make available social service programs that support vulnerable families and protect spouses and children in danger of physical or serious emotional harm;

(4) develop programs that build on the strengths of families and connect them with community resources;

(5) provide parents with access to the training and support they need to raise their children, function effectively as parents and play a key role in helping preschool and growing children learn; and

(6) assist parents in carrying out their primary responsibility of providing for the well-being of their family.
Appendix F: Senate Joint Memorial 15

A JOINT MEMORIAL

REQUESTING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT AND THE
HUMAN SERVICES DEPARTMENT TO CONVENE A TASK FORCE TO CREATE AN
INTERDEPARTMENTAL PLAN TO ADDRESS THE NEEDS OF CHILDREN OF
INCARCERATED PARENTS AND THEIR CAREGIVERS.

WHEREAS, annually, at least five thousand New Mexico children have a parent
or parents in prison; and

WHEREAS, these children are six to eight times more likely to be incarcerated
themselves later in their lives; and

WHEREAS, the state has no system for recognizing and addressing the needs
of children whose parents are incarcerated and whose plight is essentially invisible;
and

WHEREAS, the majority of families caring for these children are living below
the federal poverty level; and

WHEREAS, many of these children experience serious behavioral problems,
but these problems are seldom identified and the children rarely receive necessary
services; and

WHEREAS, often these children and families qualify for benefits, but receive
them only on occasion; and

WHEREAS, being the child of an incarcerated parent is not a crime, but these
children are often left in a state of neglect;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF NEW MEXICO that the children, youth and families department and the
human services department be requested to convene a task force to create an
interdepartmental plan to address the needs of children of incarcerated parents and
their caregivers; and

BE IT FURTHER RESOLVED that the task force include representatives from
the department of health, the state department of public education, the corrections
department, the state agency on aging, the public defender department,
representatives from a statewide association of district court judges, detention center
affiliates of a statewide association of counties, state and local law enforcement
agencies, a statewide association of district attorneys, caregivers and advocates for
children and families; and

BE IT FURTHER RESOLVED that the task force develop a system for
identifying and inventorying needs and services and the barriers to accessing those
services; and

BE IT FURTHER RESOLVED that the task force develop a coordinated system
of evaluation and intake for all children of incarcerated parents; and

BE IT FURTHER RESOLVED that the task force develop an integrated plan of
service delivery, budgeting, performance measures and accountability; and

BE IT FURTHER RESOLVED that the task force report progress and
legislative recommendations to the interim legislative health and human services
committee at its October 2003 meeting; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the
children, youth and families department, the human services department, the
department of health, the state department of public education, the corrections
department, the state agency on aging, the public defender department,
representatives from a statewide association of district court judges, detention center
affiliates of a statewide association of counties, state and local law enforcement
agencies, a statewide association of district attorneys, caregivers, advocates for
children and families, the legislative health and human services committee and other
appropriate groups.
SENATE JOINT MEMORIAL 16

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Linda M. Lopez

A JOINT MEMORIAL
REQUESTING THAT A TASK FORCE CONTINUE ITS WORK ON ADDRESSING
THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

WHEREAS, annually, at least five thousand New Mexico children have a parent or both parents in prison; and
WHEREAS, these children are six to eight times more likely to be incarcerated themselves later in their lives; and
WHEREAS, the majority of families caring for these children are living below the federal poverty level; and
WHEREAS, many of these children experience serious behavioral problems, but these problems are seldom identified and the children rarely receive necessary services; and
WHEREAS, often these children and families qualify for benefits but receive them only on occasion; and
WHEREAS, being the child of an incarcerated parent is not
.149211.1
a crime but these children are often neglected; and

WHEREAS, pursuant to Senate Joint Memorial 15 of the 2003 regular legislative session, a task force began work on creating a plan to address the needs of children of incarcerated parents; and

WHEREAS, in order to better develop plans for identifying children of incarcerated parents and to further develop an interdepartmental plan for serving those children, the task force wants to continue its work during the 2004 interim;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the children, youth and families department and the human services department continue to convene a task force to develop a plan for identifying children of incarcerated parents and to develop an interdepartmental plan to address the needs of those children; and

BE IT FURTHER RESOLVED that the task force include a representative from the department of health, the public education department, the corrections department, the state agency on aging, the public defender department, a statewide association of district court judges, a state law enforcement agency, a local law enforcement agency, a statewide association of district attorneys, an entity that provides caregiver services for children and families and an entity that is an advocate for children and families, as well as a representative from the law enforcement advisory committee of the New Mexico .149211.1

- 2 -
association of counties who is a detention administrator; and

BE IT FURTHER RESOLVED that the task force develop a
system for identifying and inventorying needs and services and
the barriers to accessing those services; and

BE IT FURTHER RESOLVED that the task force develop a
coordinated system of evaluation and intake for all children of
incarcerated parents; and

BE IT FURTHER RESOLVED that the task force develop an
integrated plan of service delivery, budgeting, performance
measures and accountability; and

BE IT FURTHER RESOLVED that the task force report its
progress and recommendations to the interim corrections
oversight and justice committee and the interim legislative
health and human services committee no later than November 1,
2004; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the children, youth and families department, the
human services department, the department of health, the public
education department, the corrections department, a statewide
association of district court judges, state law enforcement
agencies, local law enforcement agencies, a statewide
association of district attorneys, caregivers for children and
families, advocates for children and families and the law
enforcement advisory committee of the New Mexico association of
counties.
A JOINT MEMORIAL


WHEREAS, the 2000 United States census found that there are approximately twenty-four thousand five hundred grandparents in New Mexico who are primarily responsible for raising their grandchildren; and

WHEREAS, since many of these households include two or more grandchildren, estimates are that at least forty thousand children are being raised by their grandparents in this state; and

WHEREAS, by raising their grandchildren, these grandparents save the state millions of dollars annually in foster-care costs, provide some family stability for these children and help preserve the relationship of the children to their families, communities and cultures; and

WHEREAS, children raised by grandparents are more likely to live in poverty and to have suffered trauma, abuse or neglect, due to separation from their parents; and
WHEREAS, children being raised by grandparents often
have parents who suffer from substance abuse, mental illness
or incarceration, putting the children at high risk to follow
their parents' example; and

WHEREAS, children raised by grandparents often
experience a history of significant disruptions in their
education and may not have a legal guardian to enroll them in
school; and

WHEREAS, grandparents raising their grandchildren may
lack the energy, good health and financial ability of other
relatives who could be potential caregivers; and

WHEREAS, many grandparents receive little or no help
from the state as well as confusing and erroneous information
about the social services and benefits to which they may be
entitled;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
STATE OF NEW MEXICO that the human services department, the
aging and long-term services department, the children, youth
and families department, the department of health and the
public education department be requested to convene a
multi-agency task force to develop an interdepartmental plan
to assess the needs of grandchildren and grandparents living
in grandparent-headed households; and

BE IT FURTHER RESOLVED that the task force include
representatives of state and local law enforcement agencies,
the statewide association of district court judges, the state
bar of New Mexico and caregivers and advocates for families
and children; and

BE IT FURTHER RESOLVED that the task force identify the
number of children living with their grandparents and their
demographics and needs; and

BE IT FURTHER RESOLVED that the task force develop a
plan to ensure that grandchildren and grandparents living in
grandparent-headed households have access to the educational,
social, medical and mental health services to which they are
entitled; and

BE IT FURTHER RESOLVED that the task force study how
other states address the challenge of providing support to
grandparents who are in this situation; and

BE IT FURTHER RESOLVED that the task force report its
progress and legislative recommendations to the legislative
health and human services committee at its October 2005
meeting; and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the secretary of human services, the secretary
of aging and long-term services, the secretary of children,
youth and families, the secretary of health and the secretary
of public education.
Appendix I: The Children’s Bill of Rights

1. I have the right to be kept safe and informed at the time of my parent’s arrest.
2. I have the right to be heard when decisions are being about me.
3. I have the right to be considered when decisions are being made about my parent.
4. I have the right to be well cared for in my parent’s absence.
5. I have the right to speak with, see and touch my parent.
6. I have the right to support as I face my parent’s incarceration.
7. I have the right not to be judged, blamed or labeled because my parent is incarcerated.
8. I have the right to a life long relationship with my parent.

Courtesy of the San Francisco Children of Incarcerated Parents Partnership
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### Capacity Chart for Juvenile Beds

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