

Should florida permit young childrens overnight visits essay samples

[Law](#), [Criminal Justice](#)



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Law

Executive Summary

This essay will present recommendations on how to improve the present policies and programs for children with incarcerated parents in Florida. One of the major program types for incarcerated parents is the Special Parent-Child Visits. This special type of program will provide opportunities for the parents to spend extended time with their children on-site inside the prison grounds. These types of visits may be in the form of overnight or special occasion visits which cover special programming efforts, meals and crafts, camping in a structured and well-supervised area inside the prison (Ferro, 2007, p. 27). This report will review the current research and policies in Florida to determine if there are some flawed policies within the criminal justice arena, and to make recommendations if revision is necessary. Any amendment, revision or change of policy must be intended to maintain public safety and security, and cost-efficiency. The main problem for this study is to determine whether under current Florida policies, young children should be permitted to spend overnight visits or reside at correctional

facilities with their mothers.

After determining the problem, there will be an explanation on the advantages and disadvantages of allowing the children to visit their incarcerated mothers. Towards the end of the research, the final recommendation should be geared towards the paramount interest of the children. This essay takes on the family perspective which will highlight the impact of incarceration on child development and health, family functioning and parental competence (Arditti, 2012, p. 5). After reviewing the existing policies and the current state of crime in Florida, a new program will be developed to implement an effective, evidence-based policy that will determine whether young children should be permitted to spend overnight visits or reside at correctional facilities with their mothers.

Introduction

Johnson and Easterling (2012) stated that children who have incarcerated parents are generally different from children whose parents are not incarcerated in several ways, not just based on the parental incarceration status alone, but also on other adversities in the child's ecology. Children whose parents are incarcerated experience serious emotional, behavioral and psychological suffering, compared to other children whose parents are not imprisoned. Children of incarcerated parents only receive little attention since they are not regarded as the victims after their parents are confined inside the corrections. The present justice system in the U. S. or any child welfare systems do not respond immediately to such kind of situation unless a serious problem will take place.

The children suffer from psychological effects in relation to the incarceration of their parents, especially the mothers of minors. These minors suffer from anxiety, depression and low self-esteem (Trzcinski, 2000, p. 17). Children below the age of 2 bear serious psychological effects due to separation from their mother. This can be caused by the strong attachment to parental figures, which is vital to the normal development of the child. Children aged two to six often witness the arrest of the mother, and know that that they have separate identities from their mothers. However, despite such recognition, these children are not free from the pain of separation. In the event that the child has an alternate loving caregiver, the pain of separation may be increased in some instances. Review of Research and Policies Based on the current statistics of the Florida Department of Corrections, there are about 64, 475 children who are below 18 years of age, who have one of their parents incarcerated (Crews, 2013). For the last two decades, the number of children with parents who are imprisoned increased by at least 80 percent. There are at least 2. 7 million children whose parents are confined inside the state or federal prisons (Crews, 2013). However, there are limited resources that will provide support young children and families who have parents who are incarcerated.

The records of the Child Welfare League of America revealed that there is an approximated 200, 000 children whose mothers are incarcerated, and there are 1. 6 million children whose fathers are serving jail time. Under this scenario, the children are placed under foster care system due to the absence of their parents. Thus, this situation gave rise to the number of children who visit their incarcerated parents. The growing number of

incarcerated parents caused the creation of the federal adoption law. At the same time, it bears to stress that the recent U. S. Supreme Court decision upholding the legality of restricting prison visitation by the children of incarcerated parents became the point in issue.

The Adoption and Safe Families Act (ASFA) was created in 1997 with the intention of providing prompt permanency plans for children who are placed under the foster care system. Under the ASFA, all states are required to sever the rights of incarcerated parents to their child when the child had been admitted in the foster care for at least 15 months. Since the mothers are the child's primary caretaker, incarceration had strongly affected the parental rights who are placed behind bars, which prevented them to reunite with their children (Tucker Law Group, 2010).

In the case of *Overton v. Bazzetta* (2003), the Supreme Court upheld that the restriction on the visits to inmates based on Michigan regulations is constitutional. Hence, the visits to inmates that restricts the persons who are allowed to visit prison inmates, and permit the suspension the visitation rights of a prisoner, if the latter violated prison rules must be upheld. This ruling of the High Court responds to the growing number of visitors which includes children. Aside from this, there are also other issues in relation to the internal prison security and current regulations denying the right of incarcerated parents to be visited by their children after the parental rights had been terminated. The ruling the Court is in accordance to the policy requiring that children shall be allowed to visit provided they are accompanied by the other parent or guardian. Furthermore, the Court ruled that the visitation regulations that were implemented do not violate the

constitutional rights of the inmates since they are still entitled to other privileges and liberties. The Court held that the restrictions on the visitation by children are justified since these rulings promote valid interests to maintain the internal security and protect child visitors from being exposed to accidental injury and sexual or other misconduct (Tucker Law Group, 2010). This ruling of the Supreme Court is expected to persuade the visitation rights of inmates in other states.

Conclusion

According to Johnson and Easterling (2012), children who experience parental incarceration have long been at risk even before their parents have been imprisoned. The children may have been exposed to pre-incarceration environment which may include parental substance abuse, poverty and mental health problems (Johnson and Easterling, 2012). Thus, allowing the children to reside at the correctional facilities with their mothers can expose them to further harm.

In fact, the older children between the ages of 7 to 12 years have lesser probability to see the arrest of their mother. However, they may still be affected for the separation with their mothers since they are required to adapt to a new caregiver and have to transfer to a new home (Ferro, 2007). These minor children experience hardship in trying to control their anxiety. Some children are expected to become rebellious and show their anxiety to family members and friends through inappropriate behaviors. Many children feel discriminated for having a mother who is incarcerated. Some adolescent children develop various coping patterns due to their mother's incarceration,

which can be reflected through poor school performance, substance abuse and development of aggressive behaviors (Ferro, 2007). Allowing the child to visit their mothers for overnight visits on special occasions can reduce life forces that child had to deal with such as emotional, social and economic consequences that may trigger behavioral issues.

As part of the recommendation, the current policies on the Florida's Special Parent-Child Visits to their mothers should be modified through the acceleration of the visitation programs to improve the quality, consistency, and effectiveness for the benefit of the children of incarcerated parents. As part of the state's strong advocacy to monitor the developments of the programs, there must be a statewide effort to be initiated by the local, state and federal agencies for the enhancement of the child's visitation of their mothers who are in prison. These types of visits may be in the form of overnight or special occasion visits which cover special programming efforts, meals and crafts, camping in a structured and well-supervised area inside the prison. The children should not be allowed to reside inside correction facilities in order to maintain the internal security and protect child visitors from being exposed to accidental injury and sexual or other misconduct within the correctional facilities.

The state of Florida, government and foundations should start to support research and expand the development of programs and services for incarcerated parents and their children. This will need adequate time to review the research and resources that exist around this complicated issue. It is highly recommended that a new comprehensive set of uniform state standards, along with compliance measures, tracking forms, and certification

process for supervised visitation programs should be developed for the providers. Special Parent-Child Visits must be enhanced by providing opportunities for the mother and child to communicate in ways where they are best understood. Having a mother who is incarcerated creates a sensitive and challenging situation for a child to accept. Allowing the child to see their mothers during overnight visits and special occasions that has been approved by the correction facilities will bridge the gap between the incarcerated mother and her child. This program will not only be beneficial for the incarcerated parent, it shall also help the child cope up with their separation anxiety from their mothers and serve as a constant reminder that they still have good and loving mothers, despite the incarceration.

Although the Parent-Child Visits provide opportunities for the mother and child to be together for a limited time, they inhibit the quality and frequency of contact and undermine meaningful communication between the parents and their children (Hairston, 2007). This is due to the fact that the visits occur in a secure room or outdoor area on prison grounds which are only allowed by the correctional facilities.

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