

Double Punishment: After Prison, Moms Face Legal Battles to Reunite With Kids

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By Victoria Law (</author/itemlist/user/45103>), Truthout | Report



Incarcerated parents -- usually mothers -- have to meet formidable benchmarks to avoid permanently losing custody. (Image: Pixabay (<https://pixabay.com/en/barbed-wire-chain-link-fence-prison-960248/>); Edited: JR / TO)

This story is the first in a new Truthout series, Severed Ties: The Human Toll of Prisons (<http://www.truth-out.org/severed-ties>). This series will dive deeply into the impact of incarceration on families, loved ones and communities, demonstrating how the United States' incarceration of more than 2 million people also harms many millions more -- including 2.7 million children.

Since becoming a mother, Vanetta Richardson had never spent a day apart from any of her six children. But, on December 1, 2013, the 34-year-old was arrested at her home in Renton, just outside Seattle, and spent the first night away from her children, who ranged in age from six to 16. A friend took her children in that night, but shortly after, her mother-in-law went to family court and became the children's caregiver, bringing the state's child welfare system into the picture.

Richardson spent over two years battling second-degree murder charges in the death of her abusive husband. Ultimately, she pled guilty to first-degree manslaughter. She and her attorney argued for a shorter sentence, noting both the history of domestic violence at the hands of her husband and the fact that, the longer she spent in prison, the more her relationship with her children was in jeopardy. The judge ultimately

sentenced her to 60 months in prison and credited her 888 days (nearly 30 months) in jail as time served. The judge also imposed a no-contact order between Richardson and any member of her husband's family.

But Richardson's legal troubles weren't over yet. She still had to contend with family court, a mother-in-law who was understandably upset about the death of her son and hostile to Richardson, and a court-appointed special advocate (or guardian ad litem) who believed that the children would be better off without their incarcerated mother.

Richardson's experience is one shared by many incarcerated parents. Approximately 2.7 million children under the age of 18

(http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf), or more than 3.6 percent of children in the United States, currently have a parent behind bars. More than 5 million have had a parent incarcerated

(<http://www.aecf.org/resources/a-shared-sentence/>) at some point in their lives. In Washington alone, 109,000 children (or 7 percent of the state's children)

(<http://www.aecf.org/resources/a-shared-sentence/>) had experienced parental incarceration between 2011 and 2012.

If parents do not have sympathetic family members able to take care of their children during their incarceration, they risk having their family entangled in the child welfare and foster care systems. No one knows the true extent of how many families this affects. In 2013, an estimated 19,858 (8 percent) of the children who entered foster care (https://www.childwelfare.gov/pubPDFs/parental_incarceration.pdf) in the US did so because of a parent's incarceration. Child welfare advocates believe that number does not include cases in which a parent is incarcerated just before or at any time after a child's foster care placement or cases in which a parent was not the child's primary caregiver. Moreover, this estimate does not include cases in which the caseworker did not select incarceration as the cause of foster care placement. "Nationally, there's no system in place to keep track of anything related to incarcerated parents and their children, so there's no system for collecting data," Ann Adalist-Estrin, the director of the National Resource Center on Children and Families of the Incarcerated (<http://nrccfi.camden.rutgers.edu/about-us/>) (NRCCFI), told Truthout.

Entanglement in the foster care system comes with the very real risk of permanently losing one's parental rights -- and often contact -- with one's children. This phenomenon has escalated over the past two decades, since the federal Adoption and Safe Families Act (ASFA) passed in 1997. Under ASFA, if a child is in foster care for 15 of the past 22 months, state agencies are required to begin proceedings to terminate parental rights. Nearly immediately after ASFA was passed, parents with children in foster care began to feel its impact. Nationally, the number of parents whose rights have been terminated rose from 60,000 in 1998 to 73,000 in 2000 (<https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport12.pdf>). A 2003 study (<https://www.thefreelibrary.com/Damage+to+family+relationships+as+a+collateral+consequence+of...-a0112213830>) found that rights termination proceedings involving incarcerated parents more than tripled from 260 in 1997 to 909 in 2002. For incarcerated

