



ENSURING CHILD SAFETY UPON PARENTAL ARREST



TRAINING OVERVIEW

- **Introductions**
- **Task Force & The Law**
- **Childhood Trauma: The Impact of Parental Arrest**
- **Role of Law Enforcement**
- **Role of CYFD**
- **Discussion**
- **Evaluation**



- **Since 1991, the number of children with parents in prison has increased by more than 50%.**
- **1.1 million incarcerated person are parents to an estimated **2.3 million children.****
- **More than **7 million children** have a parent under some form of correctional supervision.**



- **In a recent study in California, 70% of children who were present at a parental arrest saw their parents being handcuffed.**
- **30% of children who witnessed an arrest were confronted with drawn weapons.**

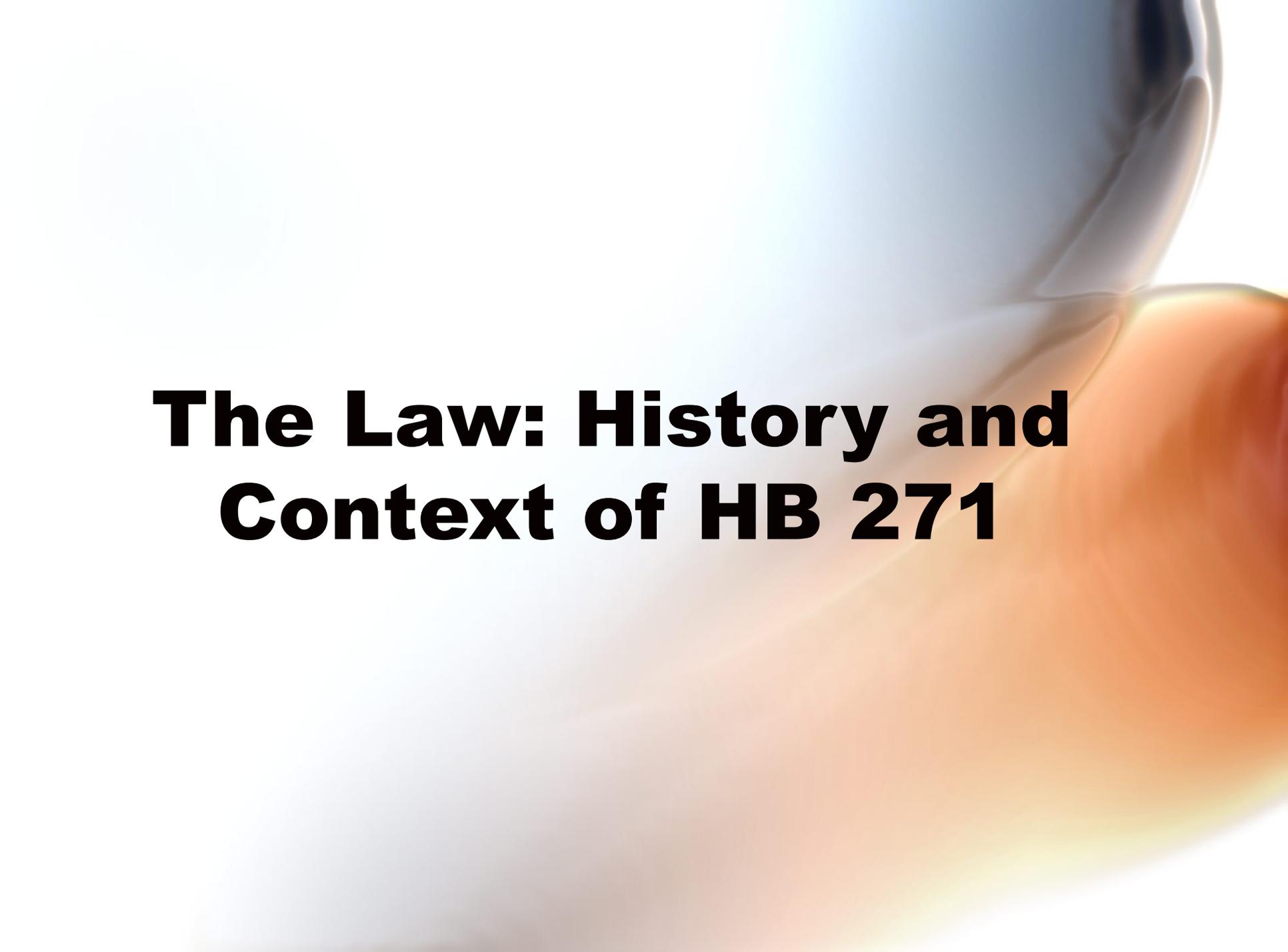


Children's Bill of Rights

CHILDREN OF INCARCERATED PARENTS | A 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 MADE ABOUT ME**
3. I have the right **TO BE CONSIDERED WHEN DECISIONS ARE 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 STRUGGLE WITH MY PARENT'S INCARCERATION.**
7. I have the right **NOT TO BE JUDGED, BLAMED OR LABELED BECAUSE OF MY PARENT'S INCARCERATION.**
8. I have the right **TO A LIFELONG RELATIONSHIP WITH MY PARENT.**





The Law: History and Context of HB 271

The Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents was established in May 2006



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



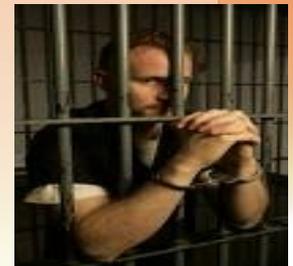
NEW MEXICO EXECUTIVE ORDER NO. 2006-022

Respectfully Submitted November 1, 2006



Goals

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



Recommendations

- **Enact legislation directing that children will be identified upon parental arrest.**
- **Establish community-based Child Resource Advocates.**
- **Visitation between jailed and incarcerated parents and their children demonstration sites.**

HB 271

An Act requiring law enforcement to identify minor or dependent children upon an arrest; providing for guidelines and a training program for ensuring child safety upon the arrest of a parent or guardian.

State or Local Law Enforcement Shall

- **Inquire at the time of arrest whether the person is a parent or guardian of minor or dependent children who may be at risk as a result of arrest.**
- **Make reasonable efforts to ensure safety in accordance with guidelines established by DPS.**

HB 271 Guidelines and Training

- 1) Procedures to ensure law enforcement officers inquire about minor or dependent children.**
- 3) Procedures for the proper arrangement of temporary care of children to ensure their safety and well-being.**
- 5) Education on the effects trauma and how law enforcement can mitigate the long-term effects.**

The Impact of Parental Arrest on Children

Why Kids **Need Cops**





**Parental arrest by definition
is a traumatic event for
children.**





Separation from a parent is also a traumatic event for children.



Separation Impact



- **Anger**
- **Rejection**
- **Depression**
- **Low self-esteem**
- **Poor school performance**
- **Developmental delays**
- **Inadequate social skills**

Trauma

- **Lasting effect!**
- **Children of incarcerated parents spend an average of **6 years 8 months** separated from them.**
- **10% of children with incarcerated mothers will be placed in foster care.**
- **More than 60% of parents in prison are held more than 100 miles from home.**



The Impact of Trauma

Developmental trauma sets *the course and direction* of a person's life.

**Traumatized children are more likely
to be
substance abusers**

**Children of
incarcerated parents
are
6 to 10 times more likely
to end up in
prison**



Stress-Trauma Continuum



ACTIVITY

- **Identify a trauma that you have experienced. Think about what your body's reaction was.**
- **Can you still describe the details of the trauma today?**
- **How old were you?**
- **Does the memory of this trauma ever “pop” into your mind?**
- **Has the trauma changed your life in any way?**

Childhood Trauma Matters

Childhood trauma has a profound impact on the emotional, behavioral, cognitive, social, and physical functioning of children.

Acute adaptive states, when they persist, can become maladaptive traits.

Immediate Biological Response Associated with Trauma

**Exposure to violence or stress
resulting in trauma alters the
developing brain and activates threat
responses in the child**



(Perry, 1995)



When kids go through something frightening, stressful, or life altering, their personality can be permanently affected.



Biology at Play

- **Hyperarousal is the body's active way of taking on the threat.**
- **Dissociative behavior is “numbing” out.**



- **Males tend to “externalize”**
- **ADHD, Oppositional Defiant Disorder, Conduct Disorder**
- ***More likely to be perpetrators***

- **Females tend to “internalize”**
- **Depression, Anxiety, and Dissociative disorders**
- ***More likely to be victims***





**Post-Traumatic Stress Disorder
Child Traumatic Stress**

Trauma Affects Behavior

**Children exposed to violence
within the
family and/or community
exhibited symptoms
such as:**

- ❖ **An inability to manage emotions**
- ❖ **Aggressive behavior**
- ❖ **Destructive behavior**
- ❖ **Suicidal behavior**
- ❖ **PTSD**
- ❖ **Developmental challenges**
- ❖ **Isolation and loneliness**
- ❖ **Problems at school, home, in the community**
- ❖ **Violent behavior**



The Resulting Emotional Response



- **Fear**
- **Confusion**
- **Helplessness**
- **Embarrassment and/or shame**
- **Disempowerment**
- **Anger**
- **Vulnerable**

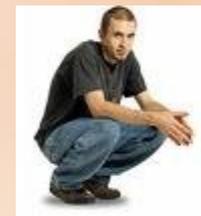
The Resulting Physical Response

- **Sleep Disturbances**
- **Hyperactivity**
- **Nervousness**
- **Appetite Changes**
- **Changes in Play**
- **Destructive**
- **Clumsiness**
- **Skin Changes**





A child's age and developmental level affects their response to witnessing parental arrest



Infants and Toddlers



- **React to being separated from the caregiver**
- **React to the sounds associated with the arrest**
- **React to the abruptness of the event**



3-6 Year Olds

- **Think the arrest may have something to do with them**
- **Learn that gender roles are associated with violence**
- **Exhibit regressive behaviors and feel less independent**

6-11 Year Olds

- **Concern for the safety of the parent**
- **Awareness of the violence in the world and how it can affect them**
- **Develop an ability to mistrust the “good people,” because of comments made by adult caregivers**
- **May imitate hostile aggression**
- **Exhibit regressive behavior**



Adolescents



- **May try to stop the arrest**
- **Embarrassed by the arrest**
- **Use maladaptive behavior to cope with the arrest and loss of parent**
- **May develop an unhealthy attitude toward law enforcement**



In a national survey of 9-16 year olds, 25% had experienced at least one traumatic event



Incarcerated Youth

- **90% of juvenile detainees have experienced at least one traumatic event**
- **Incarcerated youth have experienced more 4-8 times more physical trauma than other youth**
- **PTSD- 8x higher**





Reducing Child Trauma

Ultimately

Reduces Crime

The background of the slide is a close-up, artistic photograph of a glass containing a golden-brown liquid, likely whiskey. The glass is partially filled, and the liquid has a smooth, reflective surface. The background is blurred, showing soft, warm tones of light and shadow, suggesting an indoor setting with ambient lighting. The overall mood is sophisticated and elegant.

The Role of Law Enforcement

Mitigating the Trauma



**It is considered best practice
not to arrest parents in front of
children.**



General Guidelines

- **Avoid sirens and lights in a non-emergency situation and where the use is discretionary**
- **If the arrestee is cooperative and the situation is deemed safe, allow the arrestee to talk with the child about what is happening, prior to being handcuffed**



- When it is **not** possible to have the parent talk with the child, have the police officer talk with the child, separately, in a developmentally appropriate manner



The background of the slide is a close-up, artistic photograph. On the right side, there is a glass filled with a golden, viscous liquid, likely honey or oil. The liquid has a smooth, glossy surface with some reflections. At the top right corner, a portion of a white, curved object, possibly a ceramic or glass lid or part of a container, is visible. The overall lighting is soft and warm, creating a serene and natural atmosphere.

Communication with the Child

Tips

- **Use the child's name**
- **Use simple language**
- **Sit at the child's physical level**
- **Explain your role as a police officer is to keep the child safe**
- **Acknowledge the child's right to remain silent**



- **Recognize the child's loyalty to the parent**
- **Answer any questions the child may have**
- **Ask one question at a time**
- **Avoid "why" questions**
- **Ensure that the child understands the question**
- **Ask open ended questions and use simple reflection to make sure there is clarity**

- **Make no assumptions about the child's abilities based on age**
- **Allow the child to hold onto a stuffed animal or other object for comfort**
- **Avoid rushing the child; let them have time to process thoughts and feelings**
- **Observe non-verbal communication**





REMEMBER

- **The child's body is responding and this may effect his/her ability to listen, reason and retain information.**
- **This may also effect the child's emotional and physical responses to what is happening.**
- **The way this incident is handled will impact this child's future.**

WHAT MIGHT YOU SEE?





**WHAT SHOULD
YOU
DO?**

Intervention by police authorities may create immense relief and/or additional worries or distress for children



Arresting Adults with Minor or Dependent Children: Protocol





Determining if there are minor or dependent children

If No Children Present, Ask the Arrestee

- **Are there any children in your home that depend on your care?**
- **How many children, their ages and current location(s)?**
- **Is there another custodial parent available?**
- **Who might be available to locate the children and explain what has happened?**

If Children Are Present, Also Ask

- **Are there other children you are responsible for?**
- **Were the child(ren) present during the incident that prompted police involvement?**
- **Have the child(ren) been intentionally or accidentally injured?**
- **Are they able to explain the situation to their child(ren)?**

In addition:

- **If the arrestee is unable or does not respond to a question about the children, the officer should consider whether to look for them**
- **Officers should observe for physical evidence that may indicate children: toys, clothes, baby gear, car seats, etc.**

The officer should mention:

The parent may risk being charged with abuse and neglect, if information is withheld regarding their children.



A close-up, artistic photograph of a glass being filled with orange liquid. The glass is partially filled, and the liquid is a vibrant orange color. Above the glass, a white, curved object, possibly a lid or a piece of equipment, is visible. The background is a soft, out-of-focus gradient of light colors.

Identifying and Communicating with an Alternate Caregiver

- **Is there another parent?**
- **Can the arrestee identify an alternate caregiver?**
 - **Adult relative**
 - **Fictive kin**
 - **Child care provider**
 - **Temp shelter IF parent signs child in**
- **Can someone else identify an alternate caregiver?**

MUST CONDUCT

- **Abuse/Neglect background check**
(505) 841-6100 Albuquerque
1-800-797-3260 Statewide
- **Criminal background check**

When contacting SCI

- **SCI Intake Worker will ask for badge # and superior officer's phone number**
- **Worker searches FACTS & gives officer info about possible caretaker**
- **SCI can provide info on shelters in area if needed**

What does the alternate caregiver need to know?

As long as investigation isn't compromised, tell caregiver what happened to the parent, how long they may be in jail and if/how they may be reached.

Be sure caregiver knows as much as possible about children – bedtime, medical issues, school info, special needs.

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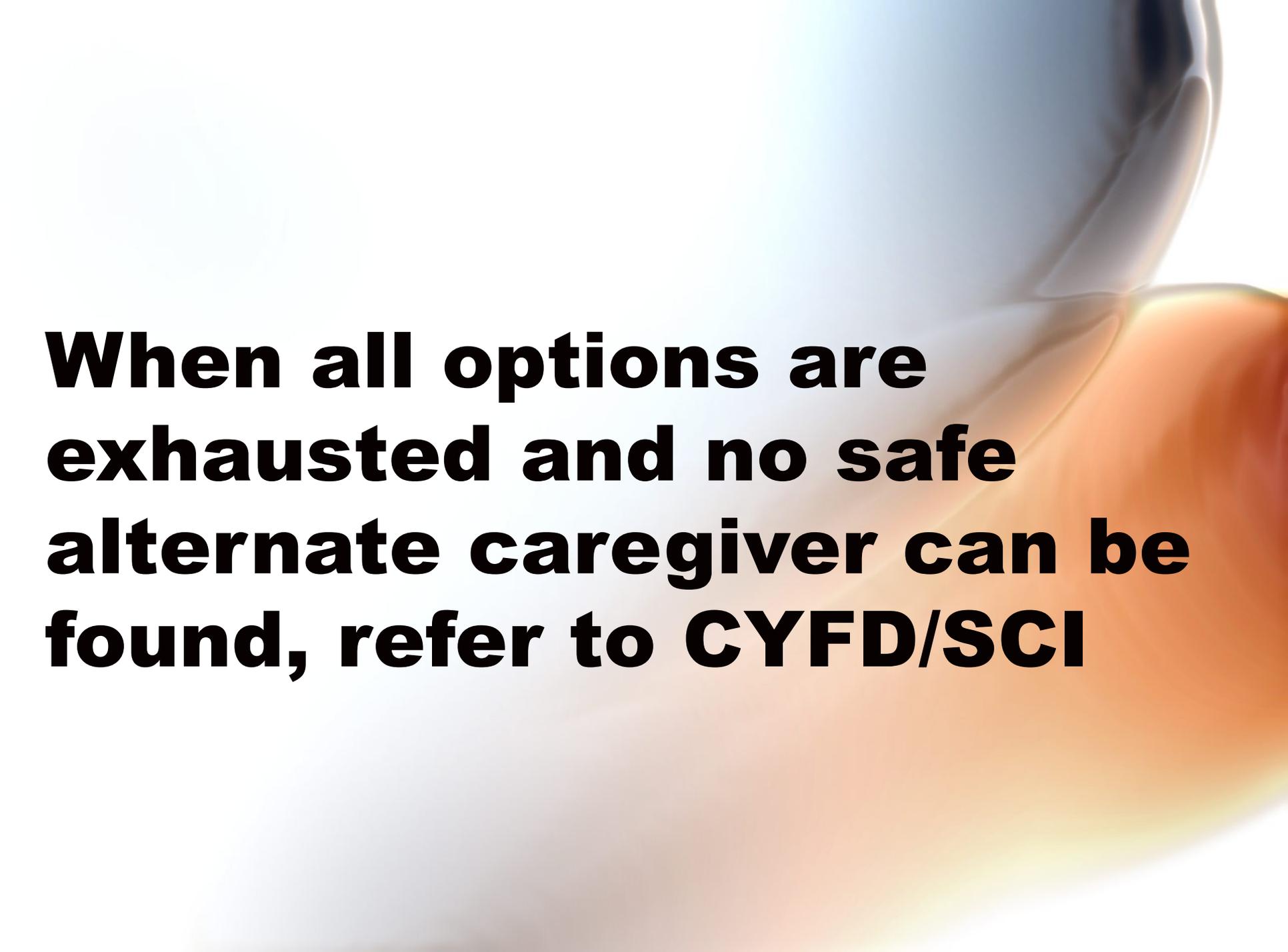
The Role of CYFD

CHILDREN IN FOSTER CARE

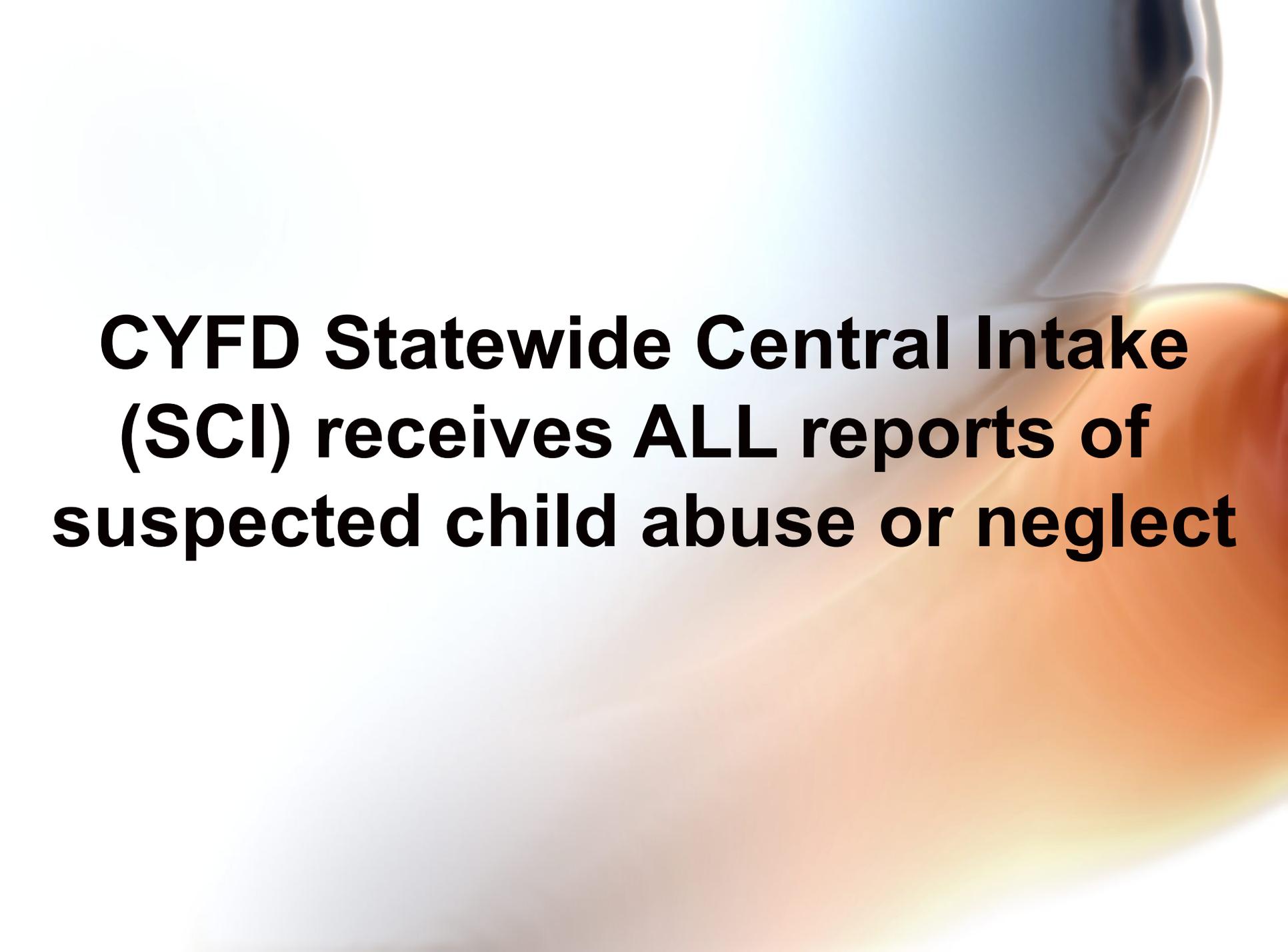
- **High risk for physical health problems**
- **High risk for mental health problems**
- **High risk for behavioral problems**
- **Lower educational achievement**
- **High risk to enter the juvenile justice system**

CHILDREN IN FOSTER CARE

- **High risk for extended foster care**
- **Placement with strangers**
- **Sibling splits**
- **Loss connections to school, church & family**



When all options are exhausted and no safe alternate caregiver can be found, refer to CYFD/SCI



**CYFD Statewide Central Intake
(SCI) receives ALL reports of
suspected child abuse or neglect**

SCI Protocol

- **SCI Intake Worker asks for badge # and superior officer's phone number**
- **Officer reports possible abuse/neglect to SCI; SCI may assign for investigation**
- **Protective custody given to CYFD only after reasonable efforts to find alternative**

Statement of Reasonable Grounds

- **CYFD worker will present to law enforcement**
- **Law enforcement must complete in order for child(ren) to be placed in protective custody with CYFD**

EMERGENCY RESPONSE

Immediate danger to the alleged victim

Report staffed immediately with supervisor

Referred to appropriate county office

Response within 0-3 hours

**Extreme effort made to respond as quickly
as possible**

EMERGENCY RESPONSE TIME

- **SCI to field could be 30 minutes**
- **Rural versus urban areas**
- **Worker response depends on distance During workday (8-5), workers respond from office or field**
- **After hours, workers respond from home**

- **PRIORITY 1**

- **24-Hour response time**
- **No immediate danger to the child, but response within 24 hours is warranted.**

- **PRIORITY 2**

- **Five (5) calendar days response time**
- **Alleged victim not in any immediate danger.**

Once LE Gives Custody, CYFD

- **Places the child**
 - **Meet licensing guidelines**
- **Cannot release the child from custody**
- **Interviews parents**
- **Obtains permission before entering residence**
- **Conducts investigation**
- **Determines safety plan**

PRACTICE

- **Case scenario**
- **Take a role**
- **Apply protocol**
- **20 minutes**

DEBRIEF

- **How did your group handle the scenario?**
- **How did you come to this conclusion?**
- **Questions about the protocol?**

Recommendations

- **Work collaboratively with local law enforcement agencies and CYFD.**
- **Have written procedures consistent with the Protocol.**