

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Case Requirements
Policy Number: 5.01.10
Policy Name: Child(ren) Contact with Incarcerated Parents

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Approved By: Cynthia G. Weiskittel

PURPOSE: To facilitate visits between children in care and their parent(s) who is/are incarcerated when it is in the children's best interests for such contact to occur.

SCOPE: This policy applies to all staff who work directly with children in agency custody who have an incarcerated parent, guardian, or custodian.

POLICY

Preserving and strengthening the relationship between a child and parent while a parent is incarcerated promotes permanency and can reduce the potentially damaging effects of separation. The best way to support such a child-parent relationship is to support opportunities for contact, except when the agency or court determines that such contact places a child's life, health, or safety at risk.

A parent's incarceration constitutes an extraordinary circumstance which may justify the denial of visitation rights. Ohio courts have ruled that visits with an incarcerated parent is presumptively not in a child's best interest, and the incarcerated parent bears the burden of proving that visits are in the child's best interest.

However, visits can be critical to children's well-being, sense of self, and need for attachment and belonging, therefore reducing or terminating visits is reserved for when the visits pose a safety or well-being threat, and even here, reinstating visits is re-assessed as circumstances change over time.

When appropriate, CCDCFS facilitates arrangements for children in agency custody to maintain appropriate contact, including visits, with their incarcerated parent.

PROCEDURES

I. Creating a Plan for Visits or Contact

- A. With the parent, custodian, or guardian (hereafter, “parent”), the WOR creates a plan for visits and contact between a parent and a child in agency custody. This plan is included in the family case plan or case plan amendment.
- B. The WOR assesses the appropriateness of visits and contact with the parent. In determining the appropriateness of visits and contact the WOR considers many factors that include, but are not limited to:
 - 1. The reason for incarceration.
 - 2. The length of incarceration.
 - 3. Child’s permanency goal.
 - 4. Bond between parent and child prior to the incarceration.
 - 5. Age and understanding of the child.
 - 6. Recommendations of the child’s counselor, psychologist, or any other service professional working directly with the child.
 - 7. Input from the child’s GAL.
- C. If circumstances exist where it is not in the child’s best interest to have visits and / or contact with the parent the WOR files an amended case plan with Juvenile Court detailing the visits and / or contact restrictions. In the event visits with an incarcerated parent was specifically ordered by the court, a motion must be filed and granted by the court before visits can be curtailed or terminated.

II. Visits

- A. WOR identifies the prison or jail where the parent is incarcerated and refers to the DCFS document “Prison Handbook”.
- B. WOR contacts appropriate contact person at the jail or prison. This person may be an assigned case manager or social worker. For the Cuyahoga County Jail contact the CCDCFS Child Advocate.
- C. WOR follows all Department of Rehabilitation and Correction (DRC) General Visiting Guidelines for visitation. Each institution has different facilities and programs and the Managing Officer at each facility has the discretion to determine how many visitors are permitted, frequency, duration, priority of visits, and visiting hours an inmate may have.
- D. WOR provides documentation to the prison official naming the child’s guardian in the form of a custodial order (journal entry) from the court.
- E. WOR provides all required documentation for the child to visit as requested by the facility.

- F. WOR visits the prison at least one time prior to bringing a child to visit at the prison. The purpose of this visit is to gain an understanding of the prison environment. This is necessary to help prepare the child for the visit. At all times the guidelines of the facility are to be followed.
- G. WOR, after consultation with the child's therapist, counselor, foster parent, or other person(s) knowledgeable of the child's developmental and emotional status, prepares child for visit based on their age and development. WOR informs child what to expect at the facility and what, if any, rules must be followed.

III. Video Contact

- A. Video contacts provide an opportunity for both verbal and visual communication between parent and children. Video contact is to be used as an additional opportunity for families and is not used as a substitute for face to face visitation.
- B. WOR contacts appropriate jail or prison personnel to arrange for the video contact. The facility will inform CCDCFS of available video contact formats.
- C. If children participating in the video contact are unable to do so on their own (or through a substitute caregiver or relative), they may access the video contact through the resources of CCDCFS (including neighborhood family centers).
- D. The length of time of the visit will be in accordance with age and development of the child, and the guidelines of the facility.

IV. Other Communication

- A. WOR encourages parents and their children to communicate in various other formats as long as the contact does not place the child's life, health, or safety at risk. The format of communication includes, but is not limited to phone contact and contact through U.S. mail.
- B. All formats of communication are included on the family case plan visitation section.
- C. All communication is conducted in accordance with the guidelines of the facility where the parent is incarcerated.

SEE ALSO:

Ohio Administrative Code Section 5101:2-38-5
Ohio Administrative Code Section 5101:2-42-92
Department of Rehabilitation and Correction 76-VIS-01
Department of Rehabilitation and Correction 76-VIS-05
CCDCFS Prison Handbook