

Children and Families of Incarcerated Parents Advisory Committee Annual Report

Recommendations to improve services and a report on progress

January 2010

Report to the Legislature and Governor

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ACKNOWLEDGEMENTS

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Special thanks to Louisa Erickson for compiling and editing this report.

EXECUTIVE SUMMARY

This report provides an update on activities and progress of the Children and Families of Incarcerated Parents (CFIP) Advisory Committee and the recommendations presented to the Legislature in the Committee's January 2009 Report as well as some new recommendations. This program began with Substitute House Bill 1426 (Laws of 2005) required comprehensive interagency efforts to provide services and supports for children of incarcerated parents. In 2007, Engrossed Second Substitute House Bill 1422 established RCW 43.63A.068 which required additional efforts.

“In recent years, we have come to appreciate that when offenders are connected to family, and when families are well supported, reduced recidivism and thus, safer communities, are the result. We have also learned that we cannot effectively support families without the help of other agencies and community partners. Our partnership with the CFIP Advisory Committee and its members has allowed the Department of Corrections to effectively align resources and services to support this at-risk population. It is vital that this organization continue to function, as both informs and pushes our agency to fully define and understand our responsibilities and improve our practices.”

--- Eldon Vail, Secretary, Washington State Department of Corrections

It is hard for families who have a member in prison, jail, or detention to handle finances, keep in touch with their loved one, care for their children and keep the family safe and healthy. Children with parents that are incarcerated need support, as do caretakers for those children. In addition, when the family member returns from incarceration or detention, the return home can be challenging.

Services provided through the Children and Families of Incarcerated Parents program join resources from four state agencies and their partners to offer effective support. The efforts you will read about in this report have already made differences in the lives of children and families affected by incarceration.

The CFIP Advisory Committee and its stakeholders have worked over the last two years to identify the best strategies to serve children and families of the incarcerated including systems change, agency and state level policy, new programs and services, and data collection. Much has changed since this advisory committee began meeting in 2007. With current budget constraints in mind, the CFIP Advisory Committee and the four partner state agencies identified in the 2007 legislation have focused on how to continue raising awareness of the needs of children and families of incarcerated parents within existing resources.

In the last year the committee has supported accomplishments including:

- Development of a web-based resource list for social service providers including state and community resources, updated research summaries, reading lists for families, handouts for caregivers and foster parents, and other links.

- Inter-agency sharing of offender reentry inventories for all 39 counties required by RCW 43.63A.068. The inventories included information about resources available to offenders returning to the community in 11 service areas, such as housing, education, and employment and training.
- Maintenance and improvement of interactive agency Web sites to provide information directly to children and families:
 - Designed for families and providers:
<http://www.dshs.wa.gov/incarcerated>
 - Designed for CFIP researchers and academics:
<http://www.dshs.wa.gov/incarcerated/research.shtml>
- Design and distribution of a comprehensive resource guide to social services for families dealing with incarceration “Beyond the Walls.” More than 18,000 copies have been distributed to DSHS, DOC, courts and other offices and partners.
- Production of videos that address the needs of children and families, including: “Visit Video” - developed to assist families in understanding visit procedures and processes at DOC, “Family Orientation Video” - to explain community supervision requirements and resource availability, and development of a training video for professionals that serve children and families of incarcerated parents.
- Increased inter-agency and statewide communication and collaboration.
- Presentations promoting CFIP issues and activities to the educational community, foster care providers, childcare providers, and other professionals.
- Increased availability of the Extended Family Visit Program at DOC and visit room improvements.
- Expansion of the Statewide Family Council (for families of the incarcerated).
- Established local family councils in all DOC facilities.
- Data sharing between DOC, DSHS, and Department of Health enabled expanded data collection and needs analysis relative to family and familial relationships.

The CFIP Advisory Committee also convened a cross-sector Court-Based Childcare Subcommittee to research the topic and look at implementing a court based childcare system in Washington. The subcommittee presented a set of recommendations that were adopted by the CFIP Advisory Committee in September 2009. Those recommendations are contained in this report. Some highlights include:

- Conduct a statewide survey on resources and needs.
- Provide technical assistance via toolkits to local governments.
- Educate local governments on self supporting centers operated through juror donations.
- Establish state legislation encouraging local governments to include court based child care in their planning.

INTRODUCTION

Children and families of incarcerated parents are a growing part of our population. According to a report released in February 2008 by the Pew Center on the States' Public Safety Performance Project, at the start of 2008, 2,319,258 adults were held in American prisons or jails, or one in every 99.1 men and women.¹ Locally, 15,000 of the 18,000 offenders in confinement in Washington State Department of Corrections facilities are parents, those confined offender parents have approximately 29,000 dependent children, according a survey conducted in 2006 by Dr. Kathleen Russell of Pacific Lutheran University. If the children with parents being held in federal and local jail systems across Washington were included, this number would be higher.

In order to respond to the needs of children and families of incarcerated parents, the 2007 Legislature established RCW 43.63A.068 which created an advisory committee to monitor and report on recommendations relating to policies and programs for children and families with incarcerated parents. The committee is convened by the Department of Commerce and includes representatives from private non-profit organizations, business sectors, child advocates, representatives of Washington tribes, court administrators, the Administrative Office of the Courts, the Washington Association of Sheriffs and Police Chiefs, jail administrators, the Governor's Office, the Department of Social and Health Services (DSHS), the Department of Corrections (DOC), the Department of Early Learning (DEL), and the Office of the Superintendent of Public Instruction (OSPI). This report presents the annual update on activities and committee recommendations that RCW 43.63A.068 requires.

The Advisory Committee's Responsibilities under RCW 43.63A.068 are to:

- Receive and review program, policies, and services analyses data collected by DSHS, DOC, OSPI, and DEL.
- Use the data collected by the four state agencies to identify areas of need and develop recommendations to better meet the needs of children and families of persons incarcerated in DOC facilities.
- Advise Department of Commerce regarding community programs the Department should fund with a newly created grant program using appropriations from the Legislature.
- Monitor and provide consultation on the implementation of recommendations made in the 2006 Children of Incarcerated Parents Final Report.
- Report to the Legislature annually in January.

The Governor and Legislature have provided leadership that has begun to improve outcomes for children and families of incarcerated parents in Washington by creating this advisory committee and bringing state agencies together. That leadership has helped state agencies to identify risks, challenges, and barriers faced by children and families with an

¹ "One in 100: Behind Bars in America 2008," Pew Center on the States' Public Safety Performance Project.

incarcerated parent. Since the 2007 legislation was enacted, much has changed in terms of funding for new programs and services, as well as overall resources within each of the state agencies identified to address concerns related to children and families with an incarcerated parent. The recommendations that the committee presented in January 2009 were the result of work and study conducted during a time of more ample and accessible resources. None of the committee's 2009 recommendations were funded, and in addition, many ancillary programs and services have been reduced or cut completely.

With the current budget climate in mind, this report will highlight status on implementation of recommendations made to state agencies by the CFIP Advisory Committee as well as activities accomplished within existing agency resources.

Note: Appendices and subcommittee reports referenced in this document can be found on the Internet at: <http://www.cted.wa.gov/site/1074/default.aspx>

PROGRESS ON 2006 RECOMMENDATIONS

The Legislature required monitoring and consultation on recommendations made in the 2006 Children of Incarcerated Parents Final Report in RCW 43.63A.068. Subcommittees were formed to research the issues, and the 2009 CFIP report to the Legislature included a status update with recommendations on some of the items the group was charged with monitoring. The following is a status update from subcommittees on the remaining items.

Data Subcommittee

The data subcommittee has been meeting regularly over the past year. DSHS is still updating the last data report which is expected to be completed by early December 2009. DOC is working on internal data collection, including more complete analysis of visitation and service records.

Due to budget cuts and shifting agency priorities, public agencies have less resources to be used for CFIP research, therefore data gathering and research on CFIP has slowed down. The funding challenge led to the realization that partnering with universities to apply for private funds could potentially allow research to continue without requesting additional funds from the Legislature. Subsequently, the data subcommittee has been expanded to include partners from the University of Washington, Pacific Lutheran University, Portland State University and the Washington State Institute for Public Policy (WSIPP). An interactive listserv for CFIP researchers is being developed to help spread and foster interest in this area.

A summary regarding the partnership can be accessed at:
<http://www.dshs.wa.gov/incarcerated/research.shtml>

Court-Based Child Care Subcommittee

This subcommittee met to address the 2006 recommendations:

- Provide child care for families during court proceedings.
- Create drop-in child care centers at or near courthouses and/or identify existing child care resources for every jurisdiction that can be utilized for care of children while parents/caregivers are in the courthouse for criminal proceedings and related matters.

Court-based child care centers address three important goals: 1) Improving the administration of justice, 2) Shielding children from traumatizing experiences, and 3) Linking needy families with other support services (Center for the Study of Social Policy, 1995).

Subcommittee members were comprised of representatives from court administrators, community based organizations, and state agencies. As part of their work they toured the Jon and Bobbe Bridge Drop-In Child Care Center located at the Maleng Regional Justice

Center in Kent; reviewed research of national information on court-based childcare from the National Center for State Courts, and legislative policy from other states. The subcommittee developed a set of recommendations that were adopted by CFIP Advisory Committee in September 2009.

Recommendations

1. Investigate and contact counties in Washington that are in the planning stages to build or remodel their courthouses.
2. Conduct a survey, in partnership with interested counties, to determine court-based child care needs in their courthouses.
3. Provide a toolkit on options and steps for developing court-based child care centers. Include in the toolkit information on:
 - How to conduct a needs assessment.
 - Facility needs and start-up costs for on-site or near site centers.
 - Licensing requirements, liability concerns, and other safety considerations.
 - How to operate a center.
 - Resource list of available child care options.
 - Ongoing operating costs.
 - Financing resources, including capital facility grants, juror donation programs, private fundraising, and entrepreneurial revenue options such as coffee shops and latte stands.
4. Develop a list of child care resource options available (centers located nearby that would take drop-in children; crisis child care providers; Crisis Relief Nurseries) through partnership with the Washington State Child Care Resource and Referral Network.
5. Establish legislation that encourages counties to develop family-friendly courts as they are building or remodeling courthouses in their counties. The State of Colorado has legislation that can be used as an example of language.
6. Gather data from existing court-based drop-in child care centers on the number of children served who are at the courthouses due to dependency cases. Report percentages of children by type of court business (example; family law, criminal law, protection orders, etc).
7. Coordinate actions with Arrest Protocol Subcommittee for emergency child care options for children needed during time of parent or guardian arrest.

Economic Supports Subcommittee

The intent of the Economic Supports Subcommittee is to promote programs and services that help offenders financially support their families as they return to the community. The subcommittee facilitated interagency sharing of offender reentry inventories for all 39 counties that were conducted as a requirement of RCW 43.63A.068 for Offender Re-entry in 2008. The inventories included information about resources available to offenders returning to the community in 11 service areas:

- Housing
- Education

- Employment
- Vocational training
- Parenting education
- Financial literacy
- Substance abuse treatment
- Mental health
- Anger management
- Life skills
- Specialized treatment (batterers and sexual offenders)

Arrest Protocols when Children are Present Subcommittee

The Arrest Protocols when Children are Present Subcommittee developed arrest guidelines for law enforcement and social service agencies when children are present. These were presented to the full committee in November 2008. The subcommittee report can be found on the Internet at: <http://www.cted.wa.gov/site/1074/default.aspx>.

Status: Those guidelines have been submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC) for review and prioritization.

PROGRESS ON 2009 COMMITTEE RECOMMENDATIONS

The Children and Families of Incarcerated Parents Advisory Committee adopted recommendations designed to improve services to children and families of incarcerated parents and presented them to the Legislature in last year's report. The committee recognized the challenges of the 2009-11 Budget, and offered these recommendations as ways of supporting children and families with incarcerated parents with current budget constraints in mind.

This section includes an update on the status of the 2009 recommendations that have been implemented or have some activity to report. The complete set of recommendations may be viewed at: <http://www.cted.wa.gov/site/1074/default.aspx>.

Recommendations for Department of Corrections

Recommendation #1 for DOC: Consider establishing policy regarding parental proximity to family; allocate specific funding to increase services, policies and gender specific programs that allow incarcerated parents to maintain contact and engagement between themselves and their children; specifically to address visit environments, transportation to visitation and parental proximity to family.

Status: Implemented

Policy change: DOC Policy, 300.380 addresses placement of offenders relative to proximity of family in instances whereby:

- Offenders are returned to the county of origin (first conviction), though exceptions are considered when family is in another location.
- Recommendations and decisions about facility placement must consider, among other factors, offender visitors and family support.
- Discussions currently underway to strengthen policy language with specific directive; proposed changes to classification policy include:
 - Location of family (placement at nearest suitable location is ideal)
 - Age and special needs of family (i.e. elderly parents, children under 18, disabilities or medical impairment).
 - If post initial classification, frequency of visits received within this review period.
- Revisions to visit policy include standardization of practices.
- Revisions to extended family visit policy include:
 - Expansion of definition of family to include in-laws.
 - Barring the addition of any new charges or disqualifying violations, extended family visitation participation will continue from facility to facility and no longer requires re-application.
 - Spousal participation expanded to include post incarceration marriages.

Funding change: Allocate specific funding to increase services, policies and gender specific programs that allow incarcerated parents to maintain contact and engagement between themselves and their children; specifically to address visit environments, transportation to visitation and parental proximity to family.

- From January through December 2009, DOC increased funding of organizations providing transportation to families. This resulted in expansion from 122 transportation runs to approximately 174, and an increase in services from 11 locations served to 15. In addition, family centered programs and services are currently provided in all prisons, at work release and at community justice centers and some field offices.
- Recent budget cuts could result in the reduction of family centered programs, staff and some community based programs.

Recommendation #2 for DOC: As resources allow, consider increasing the wage earning potential for incarcerated persons through development of earning opportunities and the expansion of vocational and educational programming.

Status: Not Implemented. Increasing the wage earning potential for incarcerated persons has not yet been developed or explored. It will require funding, policy and potential legislative changes in order to be implemented.

Barriers to implementation:

- Given the current budget climate, several programs and services were impacted including vocational and educational programs. Funding was lost to support Job Hunter, Partners in Parenting and other non-evidenced based programs. The Department is seeking options to support these gaps. Some funding has been reallocated to support providing parenting curriculum in prison and an action plan has been initiated to train volunteers and engage community partners.
- Some Department of Natural Resource jobs that were previously filled by the incarcerated have been reduced.

Recommendation #3 for DOC: Consider allocating funding for modification of Child Support video and related information to accommodate English as a Second Language; to increase distribution; dedicate staff to assist in the dissemination of information and to allow for communication with Employment Security Department and Office of Support Enforcement staff.

Status: Implemented in part

Barriers to implementation: No funding or funding reduced in this area statewide.

What is being done to address the recommendation with little or no funding:

- Staff currently engaged in presenting information in cooperation with Department of Social and Health Services, Office of Support Enforcement at multiple community justice and prison sites in Washington.

- Several staff members work cooperatively with Employment Security to disseminate support information.

Recommendation #4 for DOC: Consider allocating specific funding to increase the availability of chemical dependency and mental health staff to directly engage families during the treatment process; develop systems of support that allow for continuity of care through release and community placement.

Status: Implemented in part

Barriers to implementation: Reduction in funding for programs and services

What is being done with little or no funding:

- DOC currently invites family into the treatment process within Therapeutic Communities and within the Sex Offender Treatment program.
- DOC negotiated family involvement component with new Chemical Dependency provider. Opportunity is limited but available to some.
- Community Partnership Program Coordinators, Family Service Specialists and Re-entry Specialists are working with counselors, community corrections officers and providers to ensure some continuity of care.

Recommendations for Department of Social and Health Services

Recommendation #1 for DSHS: Consider enacting legislation that would automatically set child support orders to zero while a parent is incarcerated, particularly if they are in a facility that does not provide work, and the inmate has no or low assets (Ensuring revenue streams to families are not interrupted).²

Status: Not implemented

Barriers to implementation: Legislation has not passed yet that addresses this recommendation.

What is being done with little or no funding: DSHS, Division of Child Support (DCS) was supportive of this proposed legislative change and developed draft budget-neutral legislation.

Recommendation #3 for DSHS: Consider creating a new state law to address state implementation of the child welfare timeline of the federal Adoption and Safe Families Act (ASFA) to name parental incarceration as a compelling reason to delay ASFA-timed termination court proceedings if the parent has successfully engaged in available services while incarcerated and no enduring safety concerns exist. Care would need to be taken to ensure that the child's needs were primary—one of the intentions of ASFA.

² Currently established monthly child support debt accrues during incarceration unless the offender modifies their child support order. That often leads to the parent accruing child support debt that they may not be able to pay while incarcerated or upon reentry.

Status: Not implemented

Barriers to implementation: Although other states have implemented state-level ASFA legislation or amendments that address this issue Washington has not.

What is being done with little or no funding: The Legislature passed two bills in 2009 (ESHB 1782 and SSB 5510) that relate to this recommendation. These bills require Children's Administration/DCFS to take into account parental incarceration and whether incarcerated parents were offered visitation or contact with their children and informed of hearings and the consequences of not continuing to work on their child welfare case while incarcerated- when a case is heard regarding a proposed termination of parental rights. Under ASFA, DCFS is required to file a termination of parental rights or establish another acceptable permanency plan if a child has been in out of home care 15 out of the last 22 months. Children's Administration (CA) also requested clarification on TPR filings for parents that are incarcerated from the federal Administration for Children and Families (ACF). CA has been informed that incarceration unto itself (without other factors) is not a reason to file for termination of parental rights, but that the federal ASFA timeline still applies.

Recommendation #6 for DSHS: Consider allocating and providing additional funds to develop a pilot program for children and families of incarcerated parents in the mental health system by offering time-limited service during a parent's transition home to provide evaluation, assessment, psycho-social education, and family therapy.

Status: Not implemented

Barriers to implementation: No funding was allocated by the Legislature.

What is being done with little or no funding: DSHS is in the process of revising its Access to Care standards that determine who receives public mental health services. One of the goals is to broaden children's access to mental health services.

Recommendations for Office of the Superintendent of Public Instruction

CFIP funds were not carried forward in the 2009-11 Budget for OSPI. Despite the lack of funding, OSPI has committed to continuing to work around the issues related to children and families of the incarcerated within existing resources. As the recommendations in the 2009 CFIP Report to the Legislature required funding, none of those recommendations have been implemented. Recommendations for OSPI can be found at:

<http://www.cted.wa.gov/site/1074/default.aspx>

Recent CFIP activities within OSPI:

- Commitment of .10 FTE program supervisor to attend CFIP Advisory Committee meetings and other associated meetings and presentations.
- Presenting on and promoting CFIP activities with the educational community.

- Providing information as requests are received from parents, families, youth and school staff as well as other interested parties in Washington and other states.
- Responding to requests by other agencies, school districts, school staff and other states for CFIP Toolkits that were distributed to each school district office within the state.
- Reviewing CFIP related professional development opportunities as funds come available.

Recommendations for Department of Early Learning

DEL has not been funded for any CFIP related activities since the inception of the bill. Despite the lack of funds, DEL has striven to respond to the issues related to children and families of incarcerated parents by allocating staff time to participate in Advisory Committee activities as well as incorporating the promotion of CFIP information and activities into existing services. In the 2009 CFIP report, the committee submitted four recommendations for DEL, all of which required funding. Of those, DEL has implemented one, and engaged in other CFIP related activities using existing resources. The 2009 recommendations for DEL can be viewed at:

<http://www.cted.wa.gov/site/1074/default.aspx>

Recommendation #3 for DEL: Consider allocating specific funding to provide technical assistance to agencies on issues relating to children’s early learning success and in supporting families during a parent’s incarceration.

Status: Implemented. DEL has been responsive to state agency requests for information and provided technical assistance regarding child development and family friendly practices that has informed policy at DOC.

Additional CFIP activities within DEL:

- Included parents or caregivers impacted by incarceration on DEL’s Parent Advisory Group.
- Provided parent and caregiver friendly DEL booklet on child development and childcare to DOC for Visit Rooms.
- Keep DEL stakeholders and caregivers aware of CFIP information via distribution of related materials via email and other sources.

Status of other 2009 Committee Recommendations

The Children and Families of Incarcerated Parents Advisory Committee had two additional recommendations related to data systems that span state agencies. RCW 43.63A.068 requires the committee to collect agency data on children of the incarcerated and the services that these children receive. Collecting this data over time has the potential to inform when and how services are provided to families affected by incarceration as well as decrease the cost of services and reduce duplicative efforts.

While much progress has been made, we have not been able to complete a data share agreement to use a database to integrate OSPI, DSHS, and DOC data that meets federal privacy requirements. Funding for this purpose and a statement of legislative intent would be helpful in reaching this goal.

Additional activities and accomplishments

In addition to developing, tracking and supporting agency and committee recommendations, over the last year the Children and Families of Incarcerated Parents Advisory Committee provided support to other projects that improved services for children of incarcerated parents, including:

- Maintaining and improving interactive agency Web sites to provide information directly to children and families.
- Designing and distributing a comprehensive resource guide to social services for families dealing with incarceration.
- Continuing to direct an awareness campaign to enhance services for children and families of incarcerated parents.
- Increased inter-agency and statewide communication and collaboration

Within the Department of Corrections:

- Regular communication from the Secretary of Corrections directly to families.
- Increased availability of the Extended Family Visit Program at DOC.
- Visit room improvements.
- Increased communication to DOC staff and inmate's families regarding policy and procedure changes, program, event and activity opportunities.
- Development of a Friends and Family Guide.
- Expansion of the Statewide Family Council (for families of the incarcerated).
- Establishment of local family councils in all DOC facilities.
- Expanded data collection and analysis relative to incarcerated parents, family and familial relationships.
- Initiated a partnership between DOC, DSHS Children's Administration, and DSHS local community office to hold collaboration meetings.
- Developed "Visit Video" to assist families in understanding visit procedures and processes at DOC.
- Developed "Family Orientation Video" to explain Community Supervision requirements and resource availability developed; in preparation for web posting.
- Interagency partnerships expanded to support delivery of parenting curriculum.
- Tribal liaisons expanded.
- Delivery of family orientation within Sex Offender Treatment Programs.
- Preparing for Release program continued to provide transition assistance and support for families.
- Used DOC Offender Betterment Funds to expand transportation provider services to increase familial accessibility to inmates during visitation days.
- Evaluation of alternative sentencing options for parents considered.
- Formation of an Offender Change Programs project management team to initiate

program evaluation including family centered programs or curriculum.

Within the Department of Social and Health Services:

Child Welfare and Kinship Care

- Multiple presentations provided to foster parent groups on CFIP issues and the importance of visitation and contact.
- Article on CFIP issues and visitation developed for Children's Administration's (CA) foster parent newsletter.
- CA staff has been communicating regularly with DOC's family services coordinator.
- CA's Interim Assistant Secretary issued a memo recommending that all social workers who have incarcerated parents on their caseloads view the new training video.
- Presentations to Kinship Care Navigators on CFIP resources and issues.

Other Areas within DSHS

- Distribution of a guide to services for families affected by incarceration: Beyond the Walls. Over 18,000 copies distributed to DSHS, DOC, courts and other offices and partners.
- Development and publication of an updated Beyond the Walls, with new provider information and services available from DSHS and other state and community agencies.
- Facilitation of the CFIP data subcommittee, and expansion of this committee by adding university and research partners from Washington and Oregon universities and colleges.
- Convening ongoing meetings of a cross-administration group that brings together staff to share information, ideas and data regarding ex-offenders and their families, identify opportunities for collaboration or increased effectiveness, and implement recommendations: DSHS' Children and Families of Incarcerated Parents Workgroup.
- Participation in the development of numerous grant proposals related to serving CFIP, including the Youth in Transition and Offender Reentry grants from Substance Abuse and Mental Health Services Administration (SAMHSA), and the Second Chance Act grant request.
- Development of a web-based resource list for social service providers including state and community resources, updated research summaries, reading lists for families, handouts for caregivers and foster parents and other links.