

# INCARCERATED PARENTS

To ensure the Guardian ad Litem Program (GALP) is providing the best possible advocacy for children whose parents are incarcerated, it is essential that we make sure they are included in the case planning just as any other parent.

It requires all of us to work together to address their unique permanency planning needs. If the decision is to move for expedited termination of rights because it is in the best interest of the child and it is permitted by law we would not be pursuing a case plan for the incarcerated parent.

The bill, "***Engaging Incarcerated Parents***" (SBI/ 522 (Sen. Aaron Bean) /HB 281 (Rep. Patricia Williams), recently passed by the Florida Legislature and signed into law by the Governor, addresses delays in permanency for children caused by failure to adequately involve incarcerated parents in their case plan.

As a party to these cases and advocates for the children involved, it is important that we understand our role in the implementation of this law that became **effective on July 1, 2018**.

The following are the steps that should be taken by all Guardian ad Litem (GAL) volunteers and staff members assigned to a case where a parent or parents are incarcerated:

- Upon appointment of the Guardian ad Litem Program (GALP) to the case, the Child Advocate Manager (CAM) will send a notification/introduction letter to the parent(s) notifying them of the appointment and the role of the GAL. A copy of the Order of Appointment shall be included with the letter to the parent.
- The CAM will also send a letter to the assigned Correctional Institution introducing the GALP and our role and asking the Classification Officer to respond via e-mail with their contact information. It will be marked "Attention Classification Department."

- These introduction letters cannot be signed by the Best Interest Attorney or contain any personal contact information of the GAL, only the Program address and e-mail. A copy of the letter to the incarcerated parent will be attached as reference to the one sent to Classification Officer.

**Important:**

The incarcerated parent's information can be located on the Florida Department of Correction's website: [www.dc.state.fl.us](http://www.dc.state.fl.us)

Click on "**Offender Search**" to locate their Department of Corrections' number and the address of the assigned correctional institution.

- The Florida Department of Correction's website also has information about the programs and services that are available and can be accessed at the various correctional institutions by the parents, i.e. Mental health treatment, substance abuse counseling, parenting classes, anger management.
- The GAL should locate this information and verify that the programs are still available for the parent to access. Identifying the appropriate services and classes for the parent is necessary in order to make recommendations to the court regarding tasks that should be included in the parent's case plan.
- At the case plan conference, the GAL shall ensure that the Department attaches a list of available services to the case plan or notes that such a list is unavailable in accordance with section 39.6021(3), F.S. Additionally, the GAL should consider the amount of time being given for case plan completion, and if a currently incarcerated parent will be released during the pendency of the case plan, shall make any necessary recommendations to protect the child's best interest including determining a date certain for the parties to reconvene to possibly modify the case plan.
- The GAL will communicate to the parent their responsibility to comply with the correctional institution's procedures and policies to access and complete the services as required by their case plan and to maintain contact with their child as stated in their case plan.
- As the case progresses, the GAL/CAM will monitor and verify through the parent's Classification Officer their compliance with and participation in the services that are included in their case plan. The parent should be encouraged to participate in any additional available programs that may assist them upon their release, including academic and vocational opportunities. If they choose to do so, their participation should be verified and documented.

- The GAL's judicial review report should always include the parent's progress toward completion of each case plan task, as well as information regarding any additional services or classes they have chosen. In addition to their successes, it is also necessary to report any of the parent's failure to engage or participate in any case plan tasks. It is important to address the status of any visitation/contact with the child as well.
- If an incarcerated parent is released before expiration of the case plan, the case plan must include a contingency plan of tasks and services to be completed or received outside the prison.
- If an incarcerated parent does not participate in the preparation of the case plan, DCF must document the circumstances and its efforts to include the incarcerated parent in the case plan. The GALP need to ensure this documentation is included in the case plan.

***New statute below -----***

*39.6021 - Case planning when parents are incarcerated or become incarcerated.*

*(1) In a case in which the parent is incarcerated, the department shall obtain information from the facility where the parent is incarcerated to determine how the parent can participate in the preparation and completion of the case plan and receive the services that are available to the parent at the facility. This subsection does not apply if the department has determined that a case plan for reunification with the incarcerated parent will not be offered.*

*(2) A parent who is incarcerated must be included in case planning and must be provided a copy of any case plan that is developed.*

*(3) A case plan for a parent who is incarcerated must comply with ss. 39.6011 and 39.6012 to the extent possible, and must give consideration to the regulations of the facility where the parent is incarcerated and to services available at the facility. The department shall attach a list of services available at the facility to the case plan. If the facility does not have a list of available services, the department must note the unavailability of the list in the case plan.*

*(4) The incarcerated parent is responsible for complying with the facility's procedures and policies to access services or maintain contact with his or her children as provided in the case plan.*

*(5) If a parent becomes incarcerated after a case plan has been developed, the parties to the case plan must move to amend the case plan if the parent's incarceration has an impact on permanency for the child, including, but not limited to:*

- (a) Modification of provisions regarding visitation and contact with the child;*
- (b) Identification of services within the facility; or*
- (c) Changing the permanency goal or establishing a concurrent case plan goal.*

*(6) If an incarcerated parent is released before the case plan expires, the case plan must, if appropriate, include tasks that must be completed by the parent and services that must be accessed by the parent upon the parent's release.*

*(7) If the parent does not participate in preparation of the case plan, the department must include in the case plan a full explanation of the circumstances surrounding his or her nonparticipation and must state the nature of the department's efforts to secure the incarcerated parent's participation.*

*(8) This section does not prohibit the department or the court from revising a permanency goal after a parent becomes incarcerated or from determining that a case plan with a goal of reunification may not be offered to a parent. This section may not be interpreted as creating additional obligations for a facility which do not exist in the statutes or regulations governing that facility.*