

# Treatment and Incarceration Issues for Parents of Young Children

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## Summary

○ When parents are incarcerated, facing potential incarceration, or have substance abuse issues requiring treatment, arranging services can be difficult. When young children are involved, the potential for problems or issues becomes more complicated. In this session, we will look at the services available, identify how provision of services is more difficult when young children are involved, and attempt to identify solutions to the problems and complications.

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## Roadmap

- Types of Treatment Programs
- Nebraska Treatment Programs
- Maintaining Contact
- Visitation with Parent
- Visitation/Placement with Extended Family
- Presence/Participation at Hearings
- Presence/Participation at Team Meetings
- Relinquishment of Parental Rights
- Termination of Parental Rights
- Ethics
- Discussion Format of Issues, Services Available, and Possible Solutions to the Issues Identified.

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## Types of Treatment

- Individual Outpatient Counseling
- Outpatient Group Counseling
- Intensive Outpatient Program (IOP)
- Detoxification
- Short Term Residential Treatment (approx. 30 days)
- Long Term Residential Treatment (approx. 60, 90, 120 days)
- Mental Health/Substance Use Treatment
- Dual Diagnosis Treatment
- Transitional Living
- Three Quarter House
- Halfway House

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## Treatment Programs

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| <ul style="list-style-type: none"> <li>○ St. Francis (Grand Island)           <ul style="list-style-type: none"> <li>○ Detox</li> <li>○ Short Term Residential</li> <li>○ IOP</li> <li>○ Outpatient</li> </ul> </li> <li>○ Behavioral Health Specialists (Norfolk, Columbus)           <ul style="list-style-type: none"> <li>○ Detox</li> <li>○ Short Term Residential (Seekers of Serenity Place, Columbus)</li> <li>○ Short Term Residential (Sunrise Place, Norfolk)</li> <li>○ IOP</li> <li>○ Outpatient</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>○ St. Monica's (Lincoln)           <ul style="list-style-type: none"> <li>○ Women Only Facility</li> <li>○ Dual Diagnosis</li> <li>○ Short Term Residential</li> <li>○ Transitional Living</li> <li>○ IOP</li> <li>○ Outpatient</li> <li>○ Parenting Education Component</li> </ul> </li> </ul> |
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## Treatment Programs (continued)

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| <ul style="list-style-type: none"> <li>○ Valley Hope (Norton, KS and O'Neill)           <ul style="list-style-type: none"> <li>○ Detox</li> <li>○ Short Term Residential</li> <li>○ IOP</li> <li>○ Outpatient</li> </ul> </li> <li>○ The Bridge (Hastings)           <ul style="list-style-type: none"> <li>○ Women Only Facility</li> <li>○ Short-Long Term Residential</li> <li>○ Parenting Education Component</li> <li>○ Beds Available for Children of Parents in the Program</li> <li>○ Outpatient</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>○ Nebraska Urban Indian Health Coalition (Omaha and Lincoln, also affiliated with programs in neighboring states)           <ul style="list-style-type: none"> <li>○ Dual Diagnosis</li> <li>○ Residential (not clear of short/long term)</li> <li>○ Transitional Living</li> <li>○ Outpatient</li> <li>○ Culturally Relevant</li> </ul> </li> </ul> |
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### Treatment Programs (continued)

- CenterPointe (Lincoln)
  - Dual Diagnosis/Long Term Residential
  - Short Term Residential
  - Outpatient
- Human Services, Inc. (Alliance)
  - Detox (Scottsbluff)
  - Short Term Residential
  - Transitional Living
  - IOP
  - Outpatient
- Bryan Independence Center (Lincoln)
  - Dual Diagnosis
  - Short Term Residential
  - Hospital based
- Summit (Lincoln)
  - Short Term Residential
  - IOP
  - Outpatient
- ARCH (Omaha)
  - Halfway House
  - Men Only Facility

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### Treatment Programs (continued)

- Santa Monica House (Omaha)
  - Halfway House
  - Women Only Facility
- Lutheran Family Services (various locations)
  - Housing for those with severe/persistent mental illness (Josiah Place, North Platte)
  - IOP
  - Outpatient
- NEPSAC (Gordon/Chadron)
  - Detox
  - Short Term Residential
  - Outpatient
- Oxford House (Fremont, Grand Island, Kearney, Lincoln, Omaha)
  - Halfway House
  - Men Only Facilities
  - Women Only Facilities
  - Women/Children Facilities
- Friendship House (Grand Island)
  - Halfway House
  - Men Only Facility

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### Treatment Programs (continued)

- Revive Ministries/Unity House (Holdrege, Hastings)
  - Halfway House
  - Men Only Facility (Hastings)
  - Women Only Facility (Holdrege)
  - IOP
  - Outpatient
- Lydia House (Omaha)
  - Dual Diagnosis
  - Long Term Residential
  - Halfway House
- Catholic Charities (Omaha, Columbus)
  - Detox
- Dual Diagnosis
  - Short Term Residential
  - Outpatient
- Link Inc. (Narfolk)
  - Dual Diagnosis
  - Long Term Residential
  - Halfway House
- Omaha Tribe (Macy)
  - Detox
  - Halfway House
  - Outpatient

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### Treatment Centers (continued)

- South Central Behavioral/Freedom House (Kearney)
  - Long Term Residential
  - Halfway House
  - IOP
  - Outpatient
- Stephen Center (Omaha)
  - Dual Diagnosis
  - Long Term Residential
  - Short Term Residential
  - Halfway House
- Winnebago Tribe (Winnebago)
  - Halfway House
- NOVA (Omaha)
  - Dual Diagnosis/Long Term Residential
  - Short Term Residential
- Horizon Recovery (Hastings)
  - Dual Diagnosis
  - Outpatient
- Touchstone (Lincoln)
  - Short Term Residential
- Houses of Hope (Lincoln)
  - Halfway houses

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### Maintaining Contact

- In-Person Visits
- Therapeutic Visits/Family Counseling
- Skype/Facetime
- Telephone Calls
- Letters/Cards/Gifts
- Visitation with Extended Family
- Offers of Payment for Services for Child (medical, counseling, activities, etc.)
- Child Support

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### Parent Visitation with Children

- In-person visits while parent in jail/prison
- In-person visits while parent in treatment
- In-person visits while parent in halfway house/transitional living
- Therapeutic visits/family counseling
- Skype/Facetime
- Telephone
- Placement of child in halfway house/treatment program

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### Extended Family Visitation or Placement with Children

- Motion for Visitation
- Motion for Change of Placement
- Motion to Intervene

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### Presence/Participation at Hearings

- Motion/Order to Transport (Incarceration)
- Jabber/Video Conferencing
- Telephone
- Attorney Representation/Notification

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### Presence/Participation at Team Meetings

- Telephone Participation (treatment)
- Attorney Representation/Notification

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## Relinquishment of Parental Rights

- Not a failure of advocacy
- Sometimes best option for a parent, especially if incarcerated for a long time or not able to gain control of substance abuse/mental health issues
- Protects parent from TPR
- Sometimes allows for continued contact between the parent and child
- Sometimes allows for direction by the parent as to placement/adoption
- Allows parents to put children's needs before their own when not able to meet the child's needs...preserves dignity

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## Termination of Parental Rights

- A parent need not be physically present at a termination of parental right hearing so long as parent has been afforded procedural due process for a hearing to terminate parental rights. *In re interest of L.V.*, 240 Neb. 404, 416, 482 N.W.2d 250, 258 (1992)
- **But the Court ultimately has the discretion to decide whether the incarcerated parent is present personally.**

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## Ethics

- "As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others."
- "In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law."
- Nebraska Rules of Professional Conduct, Preamble.

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## Ethics (continued)

- "A lawyer shall: ... (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5)...(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."
- Nebraska Rules of Professional Conduct, § 3-501.4

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## Ethics (continued)

- "(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. (b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian."
- Nebraska Rules of Professional Conduct, § 3-501.14

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## Sources

- Creasia Finney Hairston, *Kinship Care When Parents are Incarcerated: What We Know, What We Can Do*, Annie E. Casey Foundation (May 2009).
- Nancy G. La Vigne, Elizabeth Davies, Diana Brazzell, *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*, Urban Institute Justice Policy Center (February 2008).
- Elizabeth Davies, Diana Brazzell, Nancy G. La Vigne, Tracey Shollenberger, *Experiences and Needs of Children of Incarcerated Parents: View from Mentors*, Urban Institute Justice Policy Center (February 2008).
- *In re Interest of Azia B.*, 10 Neb.App 124, 626 N.W.2d 602, 609 (2001).
- *In re Interest of L.V.*, 240 Neb. 404, 416, 482 N.W.2d 250, 258 (1992).
- *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).
- Nebraska Rules of Professional Conduct.

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## Questions??



- Thank you for attending and participating in the discussion. Please feel free to contact me with questions.
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