



Toolkit for Developing Family Impact Statements

Children of Incarcerated Parents Project

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Through no fault of their own, millions of children have been exposed to and affected by the criminal justice system by witnessing their parent being arrested, by seeing their parent in court, or by visiting their parent in jail or prison. Indeed, many of the thousands of adult men and women who are arrested, prosecuted, and incarcerated each year leave behind minor children¹ who must grapple with their parent's absence for days, months, or years. Although such exposure does not always result in negative outcomes for children, the extant research does suggest that parental involvement in the criminal justice system can put children at risk of residential instability, economic strain and financial hardship, mental health problems, poor academic performance, and antisocial and delinquent behavior.² Parental involvement in the system can be traumatic for children and can hinder the quality of the relationship they have with their parent.

To aid in the field's understanding of the potential for policy and practice to mitigate this trauma and to improve parent-child relationships, the Urban Institute has collaborated with the National Institute of Corrections (NIC) to identify promising practices across the country and to highlight a few of those in three practitioner toolkits and a framework document. This toolkit and the strategies and experiences described herein are intended for people who are interested in developing family impact statements in their own jurisdictions, such as probation department officials and community-based organizations working with probation departments. The other two toolkits are focused on [family-focused jail programs](#)³ and [parental arrest policies](#),⁴ while the [framework document](#)⁵ offers context for the issue of parental criminal justice involvement. The framework document also provides information about a broader array of programs and practices for children of justice-involved individuals, and it discusses key challenges and recommendations for the field. Box 1 describes the methodology we used to develop the toolkits and framework document.

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BOX 1

Methodology

In collaboration with NIC, Urban’s methodology to determine which practices to highlight included a literature review and a scan of practice by leveraging professional networks,^a culling publicly available information online, and conducting telephone interviews with program staff members in 40 organizations and agencies. Through this process, we worked with NIC to identify three locations: New York City; Allegheny County and Pittsburgh, Pennsylvania; and San Francisco, California.^b Those locations had efforts that were focused on children of justice-involved parents and that seemed to be promising and worth disseminating to a larger audience through this project.

The three locations were selected because they had stakeholders from nonprofit organizations and government agencies working together for children of justice-involved individuals. Thus, selecting them offered us the opportunity to gain a diversity of perspectives and to learn about their public-private partnerships. Those jurisdictions also allowed us to gather information about how a single location can target parental involvement across each stage of the criminal justice continuum, including arrest, pretrial detention, and sentencing.

We visited the three locations and met with relevant stakeholders in government agencies and in nonprofit, community-based, and faith-based organizations. This project did not include an independent assessment or evaluation of any of the policies or practices discussed herein, though they appear to hold some promise for reducing trauma and improving the lives of the children who are experiencing parental justice involvement. Those practices also do not represent the full body of programs and services available to children. Remember that this toolkit and the other deliverables stemming from this project are not intended to be an endorsement of any particular practice. Rather, they are illustrative examples to guide your thinking and to help you incorporate the lessons learned in your own jurisdiction.

^a Networks included those of the Urban Institute as well as the National Institute of Corrections and the US Department of Health and Human Services (HHS) and the Office of Faith-Based and Neighborhood Partnerships. HHS and the Office of Faith-Based and Neighborhood Partnerships are critical stakeholders in this effort and play an advisory role on the project.

^b We also visited organizations in Oakland, but the majority were in San Francisco.

Family Impact Statements

The purpose of this toolkit is to summarize information learned from key stakeholder interviews in San Francisco and New York regarding the design and implementation of family impact statements. This toolkit and the strategies and experiences described herein are intended for individuals interested in developing family impact statements in their own jurisdictions, including stakeholders in probation departments, as well as for human services agencies, community-based organizations, and other service providers who work with probation departments.

San Francisco and New York incorporated family impact statements and family responsibility questions into their pre-sentence investigation reports to help minimize the trauma that children face when their parents are being adjudicated, detained in jail, and sentenced. Questions about family impact solicit information regarding the defendant's children and family members, as well as his or her roles in and responsibilities to the family. Family impact statements help to ensure that courts, judges, prosecutors, public defenders, and probation officers make sentencing or supervision decisions that are informed by the needs of the defendant's children and by the potential effect on them if their parent were to be incarcerated. Thus, family impact statements aim to improve court decisionmaking processes by identifying and highlighting how incarceration, or other sentencing or supervision options, can affect the defendant's children.

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Considerations for Developing a Family Impact Statement

We identified several key considerations for developing and implementing a family impact statement. Those considerations include the following:

- **Identify goals.** It is important to identify the goals first when designing a family impact statement. In this section, we describe the main goals of the probation departments in San Francisco and New York that have previously implemented a family impact statement. Our hope is that those goals will help provide guidance to you in defining your own goals.

- **Ensure the process is collaborative.** In this section, we provide recommendations for consulting with experts in the field, securing community support, and fostering buy-in among the stakeholders most affected by the implementation of a family impact statement.
- **Integrate the concept of effect on the family into the pre-sentence investigation.** It is also important to consider how best to integrate the concept of family impact into the pre-sentence investigation. In San Francisco, stakeholders created a section in the pre-sentence investigation report dedicated to the family impact statement; New York State has embedded the concept throughout the pre-sentence investigation training.
- **Translate into practice.** Once you determine how to integrate a family impact statement into your pre-sentence investigation, you must translate the intention into practice. This section provides information about policies, procedures, and training materials related to family impact statements.

Identify Goals

When developing a family impact statement, you must identify your goals first. What are you trying to achieve with the statement? Who should benefit from it? Identifying goals helps stakeholders to improve an understanding of how to develop a family impact statement and to incorporate it into practice. Here are some of the goals identified by stakeholders in New York and San Francisco:

- Help probation officers become aware of a defendant's family
- Create an opportunity to consider the consequences of sentencing
- Recommend and use tailored sentencing or supervision options
- Improve the relationships between parents and their children

One goal of family impact statements might be to *help probation officers become aware of a defendant's family* in their day-to-day work and in their interactions with defendants. Children and family members are often forgotten during the pre-sentence investigation process, while probation officers are thinking about appropriate punishments and are making sentencing recommendations. Through tools such as family impact statements, probation officers are better equipped to remember that their sentencing recommendations also have implications for the defendant's children and family members. The increased awareness that results from those considerations helps to humanize and sensitize the criminal justice system to the issues of children and families.

Similarly, family impact statements *create an opportunity to consider the consequences of sentencing* and incarceration on the families. When a pre-sentence investigation report includes the defendant's responses to family impact questions, judges are empowered to make informed sentencing and supervision decisions that take into account the potential consequences for the defendant's family. In both San Francisco and New York, the focus on the effect of parental sentencing on children stems from the Children of Incarcerated Parents Bill of Rights, which states that children have the right to be

considered when decisions are made about their parents (see box 2 for full Bill of Rights). Thus, family impact statements encourage judges and other court officials not only to be more aware of the defendant's family, but also to consider the family's needs and the challenges that family members would face as a result of sentencing decisions.

BOX 2

Children of Incarcerated Parents 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 face my parent's incarceration.**
7. I have the right **not to be judged, blamed, or labeled** because my parent is incarcerated.
8. I have the right **to a lifelong relationship with my parent.**

Source: San Francisco Children of Incarcerated Parents Partnership (2003).

After the needs of children and family members are identified, another objective of considering family impact is to *recommend and use tailored sentencing or supervision options* that are responsive to those needs. Probation officers may use the family impact statement to recommend alternative sentencing options that are appropriate for the parent's offense and that also take into consideration the needs of the family. For example, if a parent is a primary caregiver to a minor child, the probation officer and judge may determine that a sentence of probation, home confinement, or placement in a supportive housing facility is more appropriate than time in prison.

A final goal of family impact statements is to *improve the relationships between parents and their children*. By giving a voice to the needs of families and parents within the context of a family unit, family impact statements help defendants to fulfill their role as a parent. The sentencing decisions that result from the family impact statement will better allow, to the extent possible, parents to remain involved in the lives of their children. As a result, parents might be able to maintain or strengthen the relationships with their children.

Ensure That the Process Is Collaborative

The second consideration is to ensure the process of developing and implementing the family impact statement is collaborative. We recommend the following:

- Consult with experts

- Secure community support
- Foster stakeholder buy-in

It is important to *consult with experts* during the development and implementation of the family impact statement. Reaching out to other individuals or locations that are currently using a family impact statement in their own pre-sentence investigation reports helps you to gather more information about developing and implementing a similar practice in your jurisdiction. For example, New York stakeholders worked closely with the Osborne Association, a community-based organization that specializes in services for justice-involved individuals so it can tap their expertise about parents in the criminal justice system and can determine how to develop a family impact statement for that population. Stakeholders in New York also reached out to the San Francisco Adult Probation Department to learn from its experience in implementing a family impact statement.

Further, it is critical to *secure community support* early in the process of developing family impact statements. The general public may have misperceptions about family initiatives in the criminal justice system that could hinder the willingness of some stakeholders to participate in the development and implementation of family impact statements. To help overcome that unwillingness, consider educating community members and generating awareness and public support for family impact statements. For example, you could (1) post information or fact sheets online, (2) link to other resources or sources of information, (3) hold seminars or webinars, or (4) conduct other forms of public outreach. Those strategies may increase the legitimacy of the family impact statement process and may provide secure footing for politicians who want to make decisions while knowing that constituents support the work.

In addition to support from members of the community, it is important to *foster stakeholder buy-in*. Several stakeholders are affected when a family impact statement is implemented; that group includes probation officers, judges, other court officials, service providers, and family members. The successful implementation of family impact statements depends on how well they are received by those stakeholders. Thus, it is important to collaborate with them and to make sure that you address any of their concerns regarding the implementation of the family impact statement. To further increase their buy-in, try educating stakeholders; disseminate information to them about the importance of family impact statements.

In addition, when collaborating, you should encourage stakeholders to take ownership of their ideas, and you should seek their guidance during development and implementation. Consider facilitating focus groups or working groups to solicit the perspectives of individuals who work with the justice-involved population of children and parents on a daily basis. In New York, the New York State Council of Probation Administrators elicited feedback from probation directors about their impressions and reactions to the family impact statement and shared its findings through executive meeting minutes that were sent to all probation directors in the state. Staff members' input and buy-in will help ensure successful implementation of the family impact statement when it is time to train the staff and put the plans into practice.

Integrate the Concept of Effect on the Family into the Pre-sentence Investigation

After you have collaborated with relevant experts, community members, and stakeholders, it is necessary to determine how best to integrate the concept of a family impact statement into the pre-sentence investigation and to make probation services more family-focused. Probation staff members in San Francisco and New York State took two different approaches:

- They created a dedicated section on family impact (San Francisco)
- They embedded the concept into the pre-sentence investigation training (New York)

The San Francisco Adult Probation Department *created a dedicated section on family impact* in its pre-sentence investigation report as part of a larger effort in the department to make all policies and procedures more family focused. The family impact statement in San Francisco is completed by the probation officer at the time of the pre-sentence interview. The statement includes questions such as what the names, dates of birth, and gender of the defendant's children are; if the defendant is the primary caregiver; what the relationship of the other caregiver(s) is to the children; if there is an active child support case; whether the incident for which the defendant was charged involved family violence; and if any children were at risk as a result of the circumstances of the current offense. Box 3 provides examples of the family impact questions included in San Francisco's pre-sentence investigation report.

Those questions help probation officers describe the effect that incarceration would have on a defendant's family, and the answers enable the officers to make a sentencing recommendation that accounts for this effect, such as an alternative sentencing placement. Likewise, the statement and pre-sentence investigation report can help probation officers and judges who are developing individualized treatment plans for defendants while they are awaiting trial or sentencing or while they are being supervised in the community. The treatment plans should be appropriate for the parent's offense or charge, but they should also take into account the needs of the children and other family members. For example, parents' treatment plans may include parenting classes or supervised parent-child visits, as well as other services that may improve individuals' relationship with their children and their ability to be a parent, such as substance abuse classes or mental health treatment.

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Similarly, the New York City Department of Probation developed a family responsibility statement that was added to its pre-sentence investigation template. Before the section on family impact was

added, the pre-sentence investigation included only questions about the defendants' parents and their own childhood. The family impact statement now includes questions about the defendant's minor children in the social and family history section of the pre-sentence investigation report. The additions were recently approved by the Department of Probation's legal department, and department staff members are identifying next steps for implementation.

BOX 3

Example Family Impact Statement Questions

- What is the relationship of caretaker to children, and where is the city or county of residence of the child?
- Is the defendant a primary caretaker?
- Does the defendant financially support the child?
- Is there an active child support case?
- If yes, in what county?
- Did the incident involve family violence?
- Were any children placed at risk because of the circumstances of the current offense?

Source: San Francisco Pre-sentence Investigation Report, Received August 2014.

Alternatively, at the state level in New York, rather than having specific questions regarding family impact, the concept is *embedded throughout the pre-sentence investigation training*, and questions pertaining to the defendant's family are posed at several points during the interview. The state's New York Office of Probation and Correctional Alternatives (OPCA) has undergone a statewide effort to incorporate and emphasize questions about the defendant's family in the pre-sentence interview and report. As part of that effort, OPCA has emphasized that probation officers must understand the defendant's role as a parent. During the pre-sentence investigation, probation officers are expected to inquire about the defendant's family background, the relationships, the parenting responsibilities, and the effect of incarceration on his or her family and children. Officers are expected to document the defendant's responses in the social history and environment section of the pre-sentence investigation report.

Translate into Practice

Once you determine how to integrate the concept of family impact into your pre-sentence investigations, you will need to determine how to translate the plan into practice. Stakeholders recommended several ways of doing this:

- Understand the local context
- Update operating policies and procedures
- Send official correspondence

- Create new training curricula and materials

Before you can begin implementing family impact statements, you should *understand the local context* in which your criminal justice system operates, including the local regulations that stipulate how policies can be changed or implemented. State legislation, in particular, can influence local context. For example, San Francisco's state legislation, Senate Bill 678, required the use of evidence-based practices in adult felony probation decisions. That requirement laid the foundation for implementing the family impact statement because probation administrators believed the decision to focus on the needs of family members and children was within the scope of evidence-based practices.

In contrast, in New York State, adding a separate family impact statement section to the pre-sentence investigation report would have required changing criminal justice procedure law through legislation, and the effort would have taken a substantial amount of time. Knowing those constraints will help you decide how to efficiently develop a family impact statement. You will know whether you can add a separate, standalone family impact statement section inclusive of questions about the defendant's family to your pre-sentence investigation report or whether you need to emphasize some family-focused questions throughout your pre-sentence investigation report.

To help ensure the successful implementation of a family impact statement, one must *update operating policies and procedures* to reflect and emphasize the family impact statement once it has been developed. Regardless of whether the family impact statement is to be a separate section or integrated throughout the pre-sentence investigation, officers and other probation staff members need to be made aware of those changes and trained in the revised processes.

One recommendation is to *send official correspondence* to all probation offices and staff members in the form of department memoranda or bulletins. Correspondence sent from the leadership of the probation department helps to provide legitimacy and to promote buy-in. Thus, receiving notice of the changes from the top ranks will not only keep probation officers and other staff members informed of new practices, but also improve the expediency and efficiency of their uptake.

A final recommendation is to *create new training curricula and materials* when implementing the family impact statement. Stakeholders may create or revise training modules and then host training webinars for all staff members. For example, to train probation officers on the new family-centric concepts in the pre-sentence investigation report, New York OPCA staff members reviewed the entire officer-training curriculum and identified the chapters in which they could add emphasis on the defendant's family responsibility. The OPCA formed a 25-member workgroup of the probation staff to add references to familial roles and responsibilities throughout the curriculum.

After the curriculum was edited and approved by OPCA and the New York State Council of Probation Administrators, OPCA introduced the new curriculum during a webinar with probation officers, deputy directors, directors, and development officers from across the state. The webinar helped to educate the current probation staff about best practices, changes to the training curriculum, and reasons OPCA was implementing the change. Through a new training module, officers are now

instructed to ask questions regarding the defendants' family background, relationships, parenting challenges, and effects of the justice involvement on their children and family.

Challenges and Lessons Learned

Through our interviews with stakeholders and field observations, we identified some key challenges that individuals interested in developing and implementing family impact statements in their own jurisdiction are likely to encounter, as well as the lessons interviewees learned in addressing those challenges. Consider the following:

- Probation officers may be resistant to the new practice
- Staff members may confuse family and victim impact statements
- Data collection and evaluation of efforts are lacking

Challenge: Instrumental to the successful development and implementation of a family impact statement is acceptance of the new practice by the staff. However, stakeholders indicated that a challenge they encountered was finding that *probation officers were resistant to the new practice*. For example, you will likely find that some probation officers will be reluctant to go through the retraining needed to incorporate the concept of family impact into your department's pre-sentence investigations. That resistance can be exacerbated by high turnover in the staff or by changes in key leadership, which could result in a loss of momentum or support when staff and institutional knowledge are lost.

Lesson Learned: To address that issue, you might consider *cultivating culture change* among your staff to help ensure that implementation of family impact statements by your department is successful and long lasting. One way to achieve culture change is to focus training and awareness efforts on new staff members. Culture change may occur more easily with incoming or new staff members who are trained about the family impact statement from the beginning and therefore do not know another way of conducting pre-sentence investigations. However, remember that that process will likely not occur immediately; it will require time and patience.

Challenge: Another challenge encountered by stakeholders we interviewed was the *confusion between family and victim impact statements* that some probation officers expressed. In New York State, for example, the term "family impact statement" led to additional resistance from probation officers, who said that the new policy might minimize the importance of the victim impact statement by prioritizing the defendant's children over the victims and their children.

Lesson Learned: Probation administrators in New York realized that the family impact statement needed to be differentiated from the victim impact statement. The New York OPCA, with the Osborne Association's guidance, decided to *rebrand the family impact statement as the family responsibility statement*, signaling that the defendant has a responsibility to his or her children and family that should be considered when making sentencing and supervision decisions. Such a rebranding may be something

to keep in mind as you begin discussing the possibility of incorporating a family impact statement in your own pre-sentence investigation process.

Challenge: Stakeholders also cautioned that *data collection and evaluation of their efforts are lacking*. Given the increased emphasis in the field on evidence-based practice, administrators and policymakers often demand that practices in government agencies be guided by evidence. Although family impact statements appear to hold promise for mitigating some of the trauma children face when their parents are involved in the justice system, no empirical studies on the topic have been done. Data also are lacking about how many children are affected by pre-sentence investigations, so it is impossible to determine the full scope of the problem.

Lesson Learned: To help better monitor a program or policy's performance, we recommend *investing in oversight and data collection* to continually assess the effectiveness of your strategies. Evaluations help to manage and coordinate the implementation of family impact statements to ensure they are meeting benchmarks and timelines. For example, the family impact statement efforts should tie back to the goals you identified as a way of keeping your program on track. Strong oversight will also hold partners and staff members accountable for making progress. Through real-time, or near-real-time, data collection, you will be able to monitor outcomes and make course corrections if implementation is not generating the desired results. Collecting data, monitoring performance, and conducting evaluations can arm you with information to share with your funders, communities, and stakeholders—a critical step for building support for and sustaining your family-focused work.

Conclusion

Family impact statements appear to hold promise for improving outcomes for parents and probation officers who are involved in the pre-sentencing stage of the criminal justice system. Family impact statements seek to add opportunities throughout the justice process for key decisionmakers to weigh the effect of incarceration or supervision on parents and their families. The family impact statements may also help the criminal justice staff, stakeholders, and community members to develop tailored approaches to sentencing or to supervising parents so all can become aware of the effects that parental justice involvement can have on families, particularly children. Although we cannot speak to the outcomes or effects that those practices have on parents or children, the practices appear worth considering when a probation department wants to become more child- and family-centric.

Appendix A. Links to Other Sources of Relevant Information

- **The National Institute of Corrections Children of Incarcerated Parents Project:**
<http://nicic.gov/coip>

- **The National Resource Center on Children and Families of the Incarcerated:**
<https://nrccfi.camden.rutgers.edu/>
- **San Francisco Children of Incarcerated Parents Partnership:** <http://www.sfcipp.org/>
- **Osborne Association's New York Initiative for Children of Incarcerated Parents:**
<http://www.osborneny.org/programs.cfm?programID=23>
- **The International Association of Chiefs of Police's *Safeguarding Children of Arrested Parents*:**
<https://www.bja.gov/Publications/IACP-SafeguardingChildren.pdf>
- **The National Reentry Resource Center:** <http://csgjusticecenter.org/jc/category/reentry/nrrc/>
- **Crime Solutions:** <http://www.crimesolutions.gov/>

Notes

1. Pew Charitable Trusts (2010).
2. Bendheim-Thoman Center (2008); Brazzell (2008); Ehrensaft et al. (2003); Foster and Hagan (2007); Geller et al. (2009); Moses (2006); Murray and Farrington (2005, 2008); Murray, Janson, and Farrington (2007); Murray, Farrington, and Sekol (2012); Phillips et al. (2002); Phillips et al. (2006); Phillips and Gleeson (2007); Trice and Brewster (2004); Wildeman (2014); Wright and Seymour (2000).
3. Peterson, Cramer, et al. (2015).
4. Kurs et al. (2015).
5. Peterson, Fontaine, et al. (2015).

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