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ONTARIO WOMEN IN CONFLICT WITH THE LAW

SUBSIDIARY REPORT:

CHILDREN AND PARENTING

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SUBSIDIARY REPORT: CHILDREN AND PARENTING

Where a woman has a child or children at home some arrangement should be made for her to know what is happening to the children and to hear periodically as to how the children are getting on..... In one jail, any information which is phoned in for a woman is written on a slip of paper and the woman signs the slip when she has read the message. In this way one can be sure when the girl has received the message. (Haslam, 1964, p.465)

INTRODUCTION

The issues relating to women offenders and their children are wide-ranging. Compared with men, women offenders are more likely to have children, to have responsibility for them, to be caring for them at the time of their offence, and to feel the problems of separation as a result of custody more keenly. The children of female offenders are also more likely to be affected by their mother's conviction and absence, and to experience greater upheaval in their lives as a result of her conviction. That, in turn, increases the likelihood that they, themselves will be at greater risk of offending as they grow up.

These issues have not gone unnoticed in recent years, and the problem of what to do about mothers who receive custodial sentences has attracted considerable attention, although few reasonable working solutions can be seen in practice (Macleod, 1986; Deschepper, 1987; Cannings, 1990; Wine, 1992). Until recently, the problem has been conceived in the context of child development literature about the adverse effects of mother and baby separation. Thus much of the concern has focused on the bonds between mother and baby in the first few years of life, and ways of maintaining those bonds.

More recently, however, as Macleod (1986) and others have pointed out, a number of other concerns have become evident. These include:

- the balancing of rights and interests between the mother and her children;
- the importance of the continuing parent-child relationship through childhood and adolescence;

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- the implications of the rise in the incidence of single-parenthood in society as a whole, and its particular impact on offender populations;
- the notion of varieties of family and parenting, including ethnic and cultural differences in family structures which encompass more than the narrowly conceived nuclear family;
- the questioning of assumptions underlying the traditional caring role of women and the designation of offenders as 'unfit mothers'.

In addition, attention has been focused on the problems confronting women and their children at other stages of the justice process, including arrest, remand, and court appearances (Wine, 1992).

All of these issues need to be considered in the context of women in conflict with the law, and they have a number of implications for sentencing practices, community provision and custodial practice.

Women's responsibilities for children

Reflecting the patterns of child care in the general population, it is clear that a higher proportion of women offenders than men offenders will have dependant children. A number of studies in different countries suggest that some two-thirds of women in institutions will have children, although not all of the children will be dependant upon the incarcerated mother for support (Macleod, 1986). Among federally sentenced women in Canada in 1989, two-thirds had children, and 48% of these had at least one child of school age or below for whom they had had some responsibility (Shaw, M. 1991). In a national institution survey in England and Wales, it was found that one-third of all incarcerated offenders had dependant children living with them prior to their imprisonment, but that the proportion was higher among women (47%) than men (32%) (Walmsley, Howard & White, 1992).

Care arrangements also differed considerably. Over 90% of the male incarcerated offenders reported that their dependant children were being cared for by their spouse or partner (or ex-spouse or partner). In only 2% of cases, was a dependant child now in foster care. Among the women, however, only 23% said that a spouse or partner was now caring for dependant children. In over half the cases the children were being looked after by another relative, and for 12% at least one child was now with foster-parents or in care. While no comparative information exists for institutional populations in Canada, such differences have been reported in the United States (Koban, 1978, as reported in Wine 1992; Kiser, 1991).

This suggests a pattern of responsibilities and care arrangements among women offenders which is quite different from that for men. Farrington (1991) reports that male young

offenders are unlikely to live with, or care for, any children they father.¹ The burden of care for children rests, as it has traditionally, on women.

Since women have a greater role in caring for children, whether as single mothers or within relationships, both they and their children are likely to be more affected emotionally and practically by the mother's offending than that of their father, and by the stresses involved in separation. Such findings were reported by Koban (1978), as cited in Wine (1992), in a comparative study of male and female institutions, and by Kiser (1991) who found many women inmates 'preoccupied' with their families when compared with male inmates. While the families of male offenders are certainly affected by incarceration (Shaw, R., 1991) the changes in child-care responsibilities following custody are therefore likely to be greater for the children of women offenders.

Continuing relationships

The focus on the adverse effects of separation of mothers and babies has led to the development of mother and baby units in women's institutions in some jurisdictions, allowing babies to live with their mothers. Three women's institutions in England, for example, have facilities for mothers and babies up to the age of 18 months (Catan, 1989; Eaton, 1993), although the benefits and disadvantages of such facilities are disputed (Catan, 1989; Shaw, M., 1991; Wine, 1992). Some institutions in the USA also have such facilities (Neto & Bainer, 1983; Cannings, 1990). In Canada, only two institutions have had such facilities, accommodating up to three babies each: Portage LaPrairie provincial institution in Manitoba, and Twin Maples in British Columbia. The latter has now been closed.

However, responsibilities for children, and the emotional and developmental needs of both mothers and their children, do not end at 18 months or two years. Federally sentenced women interviewed in 1989 expressed concerns about their separation from, and inability to help, their children regardless of the age of the children (Shaw, M., 1991). The role of parents in bringing up children is, it can be argued, as crucial in the early school years and adolescence as it is in infancy. It involves a complex of closeness, affection, care and supervision, and shared experiences (Leblanc & Tremblay, 1985; Riley & Shaw, 1984).

Some innovative schemes have been developed in a number of countries as well as Canada, allowing for greater contact between parents and their children on institution visits. These include the provision of play areas, day care centres, and educational programmes for children while a partner or relative is visiting the mother (Cannings, 1990; Kiser, 1991; Denton, 1991). Facilities for extended visits and overnight stays by children also exist at the Federal Prison for Women, and at Maison Tanguay, the provincial institution, in Quebec. Even where such

¹ Although a recent article suggests that teen-age fathers are in fact often discounted, and discouraged from taking responsibility for their children (Johnston, Globe and Mail 23.4.93).

schemes exist, distance and the costs of travel may make it difficult for women to benefit from them.

While there is variation between the provinces in Canada, in most institutions housing women, contact with children is severely restricted, with short visiting times, restricted visiting facilities, limited numbers of visitors, and in some cases non-contact visits.² In a number of cases contact visits are regarded as a privilege rather than a right. In Ontario, only Vanier Centre for Women allows contact visits between women and their children.

Long-term effects

There are, in fact, a number of long-term effects of imprisoning women with children which need to be considered, and which affect both the women and their children. Macleod (1986) argues that these include both financial and social costs.

In their review of programmes for female offenders Ross, Currie and Krug-McKay (1980) noted "the remarkably consistent finding" (p. 71) that good family ties are frequently reported as among the most important factors in avoiding re-offending. Similarly, Lambert and Madden (1974; 1976) found employment stability on release and the closeness of family support to be the most important factors militating against re-offending among women released from Vanier Centre for Women. In their view, the costs of incarcerating women need to be weighed against the family disruption resulting from imprisonment. From the point of view of the mother, it seems crucial to ensure that responsibilities and relationships between women and their children are not damaged by the sentence.

In terms of the children, Kiser (1991) suggests that the families of inmates should be seen as the victims of crime as much as other groups. For the children, the consequences of changes in living and caring relationships, or of being placed in care, may be serious and may in turn lead to their own involvement in the justice system. As the current Ontario survey indicates,³ a considerable number of young offenders have previous experience in care, as do those adult offenders with long offending histories. Carlen (1987), in a study of children in care in Britain, outlines some of the adverse effects of care and institutionalization on both the future ability of such children to develop stable and affective relationships, and their likelihood of drifting into offending.

Similarly, it has long been established that parent criminality is one of the strongest predictors of offending by their children (Farrington, 1990). Tremblay (1992) in fact, argues that the children of young women with what he terms 'chronic behaviour problems' are at *greater* risk

² By contrast Neto and Bainer (1983) reported that "contact visits were the rule" for women in state prisons in the USA.

³ See the main report on the survey *Ontario women in conflict with the law: A survey of women in institutions and under community supervision* (Shaw, 1994), and the subsidiary report on Young Offenders (Shaw, 1994).

of offending since their mothers are the primary caregivers, than are the children of young men. Such risks are not diminished by the consequences of separation.

Unfit mothers

Thus the impact on children of their mother's criminal conviction, the long-term costs of separation or placement in alternative care, and the court processes themselves, are all likely to be considerable although difficult to measure.

Much of the problem centres around a system of justice which does not take account of dependants, and around notions of the 'responsibility' and fitness of women offenders to care for their children. It also stems, as Macleod (1986) has pointed out, from our failure to consider the best interests of both the women *and* their children, and from the long-term focus on male offenders. Wine (1992) contrasts the broader focus on children's rights, and family violence, with the lack of interest in the families of offenders.

In a general review of the problems of women offenders with children, Macleod (1986) stressed that while many criminal justice officials may take discretionary interest in the problems of the offender's families, no one in the criminal justice system has official responsibility for the children of offenders. (p. 1)

She also points out the difficulties inherent in current child-care and correctional systems which tend to make decisions without reference to each others' sphere of influence. Thus the child-care system, for example, in deciding that a mother is 'unfit' to care for her child because of her offending, focusses on what is taken to be the best interests of the child, but in so doing ignores those of the mother, and, in consequence, perhaps the child too. Institutional policies which are geared to the majority male population also tend to have a more severe effect on women with children, for example, in relation to visiting policies, and the granting of temporary absences for employment purposes but not on child-care responsibilities.

Ross et al. (1980) similarly questioned the assumption often made that women offenders are inevitably 'inadequate mothers' or 'poor role models' for their children, either by virtue of their conviction, or because of other aspects of their life-style. As a number of observers have noted, some women in institution may not conform to, or may even reject, the traditional female role as mother and carer (Carlen, 1987; Reitsma-Street, 1991; Eaton, 1993).

In a study of women released from prison in England, Eaton (1993) observed that none of the women in her sample conformed to the traditional role which places priority on domesticity, and with reliance on a male provider. Yet this did not necessarily make them unfit mothers. Carlen, (1987), similarly, found that women who had been in care as children, and who had rarely experienced traditional family settings, tended to be seen as deviating from appropriate female behaviour, and were given little opportunity to develop alternative and viable roles.

Changes in family patterns and the concept of 'family'

Changes in the structure and functioning of the family over the past twenty years, with increasing rates of divorce and single parenthood, have had considerable influence on patterns of childhood upbringing and experience. In Canada, as well as many other countries, there are increasing numbers of children born outside marriage or a stable on-going relationship, as well as increasing numbers of single parents as a result of marriage break-up (Junger-Tas, 1992; Department of Justice, 1990).

Rather than seeing such changes as wholly negative, it can be argued that family patterns, while changing, are not necessarily deteriorating. The rejection of traditionally rigid gender roles for parents, and greater empowerment of young people are two examples of such changes (Graham, 1992; Fine, 1993).

We have also come to recognize the potentially oppressive aspects of the family in terms of family violence and child abuse. For some women, single parenthood may be a safer alternative for both themselves and their children, rather than living with an abusing partner. In addition, the negative connotations associated with single parenthood, have been challenged by some, who point to varieties of caring patterns and extended family relationships. In a study comparing black and white incarcerated women, Bresler and Lewis (1983) found considerable differences in the extent of family ties between the two groups. The black women tended to come from single parent families, and to be single parents, themselves. Nevertheless, they had closer ties with relatives than the white women, expected more support from their relatives on release, and were more likely to be in close contact with their children. They were also more likely to have been living with their children prior to their offence.

Single mothers do, nevertheless, face greater economic hardship than two-parent families. Over 80% of single parent households are headed by a woman, and around 56% of those mothers are living below the poverty line, as compared with 20% of single-parent fathers (Deschepper, 1989; Statistics Canada, 1989; Department of Justice, 1990). It is likely that increasing numbers of single parents will, in future, come into conflict with the law, as their numbers within society as a whole increase. Because levels of poverty are generally higher among minority groups than the white majority (Statistics Canada, 1991), there are likely to be higher numbers of women from minority backgrounds in Ontario who are living in poverty as single mothers.

Beckerman (1991) has argued for a recognition of the increasing numbers of single mothers in society, and the need for correctional systems to protect their parental rights as far as possible by encouraging innovative ways of maintaining and developing contact between mothers in custody and their children. This, she stresses, is preferable to foster care which may not only affect the mother's parental rights to have access to her child during her incarceration, but also her chances of retaining custody of her child after release.

Ontario studies of children and parenting

Rogers and Carey (1979) undertook the first province-wide study of women with children in institutions and under community supervision across the province. Their purpose was to examine the child-care responsibilities of those women who were mothers, and the extent to which incarceration itself had created child-care problems.

Overall, 48% of their sample of 338 women were mothers, with a total of 342 children among them.⁴ Of those in institutions, 30% had been caring for their children at the time of their offence. Most of these women were described as experiencing considerable difficulties in providing 'adequate care' for their children. Over half were single mothers as a result of break-downs in relationships or because they had never married. Just under half had had some involvement with the Children's Aid Society, and approximately a third of the probationers and half of the institutional group had not been living with their children prior to the offence.

The authors argued that the current sentence had not created immediate child-care problems in that only 12% of the children had been placed in foster care at the time the mothers were incarcerated. Nevertheless, over half the children had had to change their place of residence, and the additional stress on both children and their carer-givers was recognized, as well as the emotional trauma of separation. Overall the authors concluded that "it is difficult to find any evidence that their incarceration would actually have a positive effect on their family" (p.34).

In relation to native women, Birkenmayer and Jolly (1981) reported that two-thirds of the women in their study of native peoples in custody had dependants compared with a third of the men. While in institution their children were mostly in the care of their mothers or the Children's Aid Society. Ruhl and Loring (1988) in their pilot study of women in institutions or under community supervision in Toronto found that two-thirds had children.

A more detailed exploration of the impact of the criminal justice system on women and their children in Ontario has more recently been undertaken by Wine (1992). Of all those women in conflict with the law contacted over a five-day period in selected centres across the province 55% (221) were mothers. Interviews with 41 of the mothers dealt with all stages of the justice process: from arrest, custody, and court appearance to sentence. The author examined the impact of the justice process on living arrangements, finances, care-giving roles and relationships with their children, at each of these stages, and not just during sentence.

The women reported a number of negative changes in relationships with the children: increasing trauma; unhappiness with care arrangements made during incarceration; lack of

⁴ The lower than usual proportion of mothers reflected the fact that they included 15-17 year old female young offenders in their sample. Over 25% of the sample were in the 15-18 year age range.

contact during periods of incarceration; and a number of problems associated with the arrest period, including the lack of time to sort out care arrangements.

Both Macleod (1986) and Wine (1992), in common with other Ontario studies, argue for much greater use of community alternatives for women with children, and greater flexibility over the administration of sentences, so that women and children are not forced to be separated.

The following section outlines the main findings from the recent Ontario survey in relation to women with children.⁵

⁵ Full details concerning the survey are given in the main report (Shaw, 1994).

THE WOMEN AND THEIR CHILDREN

Marital status

Among the adult women in the survey, 40% were single and had never married, the rest were mainly separated, divorced or widowed (30%) or living common-law (20%). Few of them were currently married, reflecting the recent Canada-wide trends in marital status towards common-law situations⁶ (Table A, Appendix I). Current marital status, however, provides little indication either of the stability of relationships or of family patterns. Overall more than two-thirds (69%) of the women in the survey had children of their own, but among these women two-thirds had not been living with a partner prior to their offence. Almost a third were single, and over a third separated or divorced, and in a few cases (7) widowed. Their marital status is shown below (Table 1).

TABLE 1

CURRENT MARITAL STATUS OF WOMEN WITH CHILDREN

STATUS	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
Single	53	30.8	61	31.1	114	31.0
Married	17	9.9	27	13.8	44	12.0
Common-law	47	27.3	34	17.3	81	22.0
Separated, divorced widowed	55	32.0	74	37.8	129	35.0
TOTAL	172	100.0	196	100.0	368	100.0

Women with children

While more than two-thirds (69%) of the women in the sample had children of their own, (Table 2) another 21 women (4%) had step-children.⁷ In addition, approximately 10% of the women were pregnant at the time of the survey.

⁶ See Statistics Canada, Canadian Social Trends, 1991.

⁷ Nineteen of the women with step-children also had children of their own.

The number of children the women had ranged from one to seven (mean of 2.1 children) with 62% having two or more (Table 3). Among them, they had 758 children of their own⁸ and 39 step-children. There were no significant differences between the institutional and the community groups in terms of having children, nor in the number they had.

As a separate report indicates, the native women were more likely to have children (86%) and to have larger families than the non-native women in the survey (mean of 2.8 children).⁹

TABLE 2
NUMBER OF WOMEN WITH CHILDREN OF THEIR OWN

WOMEN'S STATUS	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
Number with children	172	70.8	196	68.1	368	69.3
Number without children	71	29.2	90	31.2	161	30.3
No Information	-	-	2	0.7	2	0.4
TOTAL	243	100.0	288	100.0	531	100.0

⁸ Of these 773 children, at least 284 were not living with their mother at the time of the offence.

⁹ *Native Women* (Shaw, 1994).

TABLE 3
NUMBER OF CHILDREN

NUMBER OF CHILDREN	INSTITUTION	COMMUNITY	TOTAL	
	NUMBER	NUMBER	NUMBER	%
1	64	76	140	38.0
2	67	67	134	36.4
3	20	30	50	13.6
4	11	11	22	6.0
5	5	5	10	2.7
6	3	5	8	2.2
7	2	-	2	0.5
Unknown	-	2	2	0.5
TOTAL	172	196	368	100.0

A third of the children were five years or under, 43% were in the important early childhood and teenage years, and a quarter were 17 years of age or more, and presumably were less dependant. Table 4, below, shows the distribution of children by age group. Overall, 62% of the women with children had a child of five years or under, 67% a child of 6-16 years, and 27% a child of 17 or more.

Many of the women had become mothers at an early age. Over half the women had given birth to their first child by the age of 19; 12 of them had been between the ages of 11 and 14. The average age at which they had had their first child was 19 years for both those in institutions and under community supervision.

TABLE 4
AGE OF CHILDREN

AGE OF CHILD	INSTITUTION	COMMUNITY	TOTAL	
	NUMBER	NUMBER	NUMBER	%
Under 2 years	44	44	88	11.4
2-5 years	73	103	176	22.8
6-10 years	97	83	180	23.3
11-16 years	77	72	149	19.3
17-18 years	14	19	33	4.3
19 or more	61	86	147	19.0
TOTAL	366	407	*773	100.0

* Includes 15 step-children.

Living arrangements

During interviews, the women in the survey were asked about their living circumstances at the time of their offence, or currently in the case of those under community supervision (Table B in Appendix I shows responses for the total sample and the women with children). The most notable conclusions to be drawn from the responses were, firstly, the variety of living circumstances and the minority of traditional nuclear 'family' structures (parents and children) and secondly, the preponderance of single mothers living alone with their children. Only 19% of the women with children appeared to be living with a husband or common-law partner and children.

On the basis of this information, nearly a quarter of the total community sample were single mothers living with their children, (as opposed to only 8% of those in institutions) suggesting that the courts were making a specific effort to enable these mothers to remain with their children (although some of the institutional group may have previously lost custody). Overall, 25% of the total institutional sample had been living with their children, compared with 41% of those in the community.

Among the women who had children, responses to a specific question about whether they were living with their children at the time of their offence indicated that just over half the institutional group, and 70% of those in the community, had been living with all or some of

their children (Table 5).¹⁰ Thus a majority of children have been directly affected by their mother's arrest or conviction. In the institutional group, up to 53% of all mothers had to make alternative arrangements for their children's care.

TABLE 5

NUMBER OF WOMEN LIVING WITH THEIR CHILDREN PRIOR TO SENTENCE

WITH CHILDREN	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
All of them	64	37.0	112	56.9	176	47.6
Some of them	28	16.2	26	13.2	54	14.6
None of them	81	46.8	59	29.9	140	37.8
TOTAL	173	100.0	197	100.0	370	100.0

Many of the women had more than one child, and a variety of circumstances account for their children's living arrangements. A number of women had older children living on their own, or with their own children and partners. Some children had been adopted at birth or soon after; other women had children from previous relationships. Thus there is no simple way to describe the care and parenting roles of the women, nor is it easy to draw conclusions about the extent to which they were acting in 'good parenting' roles.

The variety of arrangements applying to mothers who were not living with one or more of their children prior to their current offence is shown in Table 6. Twenty-five of the mothers had children who were in the care of their ex-husband or common-law partner. In the great majority of cases, relatives had been caring for those not with their mother, but 41 mothers (11%) had a child in foster care. Table 7 indicates the reasons for these arrangements.

¹⁰ The number of women with children in this section includes two with step-children.

TABLE 6

CHILDREN'S LIVING ARRANGEMENTS PRIOR TO SENTENCE*

LIVING ARRANGEMENT	INSTITUTION (N=173)	COMMUNITY (N=197)	TOTAL (N=370)	
	NUMBER	NUMBER	NUMBER	%
Husband/Common-law	10	13	23	6.2
Ex-husband/Common-law	16	9	25	6.8
Her mother	19	6	25	6.8
Other relatives	24	15	39	10.5
Foster parents, etc.,	24	17	41	11.1
Friends	1	2	3	0.8
Living on own	22	27	49	13.2
Other	17	12	29	7.8
Number with child living elsewhere	109	85	194	100.0
All with her	64	112	176	100.0

* Some women had more than one arrangement.

TABLE 7

REASONS WHY CHILDREN NOT LIVING WITH MOTHER PRIOR TO SENTENCE*

REASON	INSTITUTION (N=173)		COMMUNITY (N=197)		TOTAL (N=370)	
	NUMBER	%	NUMBER	%	NUMBER	%
All/some grown up	27	15.6	30	15.2	57	15.4
Adopted at birth	13	7.5	14	7.1	27	7.3
Taken into care against own wishes	13	7.5	10	5.1	23	6.2
With others/in care by own choice	39	22.5	19	9.6	58	15.7
Taken by husband/ common-law against wishes	32	18.5	21	10.7	53	14.3
Number with children living elsewhere	109		85		194	
All with her	64		112		176	

* Some women had more than one arrangement.

Overall, women in the institutional group (23%) were more likely to have made arrangements for a child to live with a relative or be taken into care because of their life style or addiction than those in the community group (10%) but were also more likely to have had a child taken from them against their wishes, either into care or by an ex-husband or common-law spouse (26% compared to 16%).

More of these women hoped to live with some or all their children on their release. Table 8 compares the living situation, for the women in the institutional group, at the time of the offence with their expectation on release from the institution. Thus 10 women who had not been living with any of their children hoped to do so on release, but seven others who had been living with them, expected to be without children on release. Four more women expected their children to be in foster care.

TABLE 8

**COMPARISON OF PRIOR LIVING SITUATION WITH EXPECTATION ON
RELEASE FROM INSTITUTION**

NUMBER LIVED WITH BEFORE	NUMBER OF CHILDREN WILL LIVE WITH ON RELEASE					TOTAL	PERCENT
	All	Some	None	No Info.			
All	59	-	4	1		64	37.0
Some	5	20	3	-		28	16.2
None	10	4	65	2		81	46.8
TOTAL	74	24	72	3		173	
PERCENT	42.8	13.9	41.6	1.7			100.0

Single mothers and parenting

As many as 80% of the women with children said they had been a single mother for all or part of their children's lives. Just under a third of the women had always been single parents, and there were no differences between those in institutions and those in the community (Table 9).

TABLE 9

SINGLE PARENT EXPERIENCE OF WOMEN WITH CHILDREN

SINGLE PARENT	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
Always	54	31.2	64	32.5	118	31.9
Part of time	87	50.3	95	48.2	182	49.2
Never	29	16.8	36	18.3	65	17.6
No information	3	1.7	2	1.0	5	1.3
Number with Children	173	100.0	197	100.0	370	100.0

Overall, 55% felt they had had primary responsibility for bringing up their children (slightly more in the community group), and 29% shared responsibility with a spouse or partner (Table 10). For the remainder, primary responsibility had gone to their mothers, other relatives, ex-partners or, in 10% of cases, to foster care. Only 8% of the women said that their ex-partner had had responsibility for bringing up their children, reinforcing the image of women as primary caregivers.

TABLE 10

PRIMARY RESPONSIBILITY FOR BRINGING UP CHILDREN*

RESPONSIBILITY	INSTITUTION (N=173)		COMMUNITY (N=197)		TOTAL (N=370)	
	NUMBER	%	NUMBER	%	NUMBER	%
Self alone	90	52.0	115	58.4	205	55.4
Self & partner	41	23.7	66	33.5	107	28.9
Ex-husband/ common-law	13	7.5	16	8.1	29	7.8
Mother	39	22.5	18	9.1	57	15.4
Other relatives	23	13.3	14	7.1	37	10.0
Foster care	24	13.9	12	6.1	36	9.7
Other	16	9.2	5	2.5	21	5.7

* More than one category may apply.

The experiences of being a mother in trouble

Such a bare description of the parenting and care arrangements of these women tells us little about how they experienced separation and the court processes, or the impact of these experiences on the children, themselves.

Women on remand clearly expressed a number of concerns over the care of their children and the possibility of loss. One young first offender, with a baby of 11 months in the care of a girl friend, had been on remand for 10 days, and was in a state of panic. She was worried about who would care for her child, and was convinced she would have to give him up permanently to her sister in expectation of a long sentence. Another, with a baby of 18 months and an older child, had not been given time to take them to friends and had had to

place them with Children's Aid who had separated them. Another woman was feeling both ashamed and angry since her children were caught up in a police raid.

A woman with four children under the age of 12 who had been in jail for two days was worried that her children would be taken from her by the Children's Aid Society - "they don't allow us to make arrangements for our kids - it is too difficult to get help....not knowing what to do with the children or what is happening to them." Another felt that police stations should have a child-care worker available.

Nor are such concerns restricted to those with very young children. One woman with a 15 year-old daughter was concerned that her daughter was not going to school and was staying out late in her absence. Her daughter was being cared for by her alcoholic grandmother, and because of this situation she felt the need for longer visits.

Apart from those recently remanded, a number of women expressed concerns for their children's safety from abusive fathers or other care-givers:

"I am still very concerned because my oldest girl was sexually abused by her father, and I worry about the help that she will receive."

"[My] daughter was sexually abused....it's too difficult to communicate in jail."

In the context of their own experience of childhood abuse, as the main report on the survey emphasizes, such fears may be justified.

For some women with children in foster care or with former partners, there were difficulties writing or talking to children over the telephone if the care-givers refused to accept the charges.

Distance from home was also a problem. A native woman with three children between the ages of two and 11, who was serving a two-month sentence, was unable to see her children because she was 200 miles from home: "I worry about the youngest, she's not taking my jail term very well; [she] cries, won't eat....doesn't want to play."

Women under community supervision also had concerns. Some mentioned difficulties with their lack of money, community reaction to their children as a result of their offence, and the lack of day-care facilities while they were undertaking community service. A number of women in both the community and institutional groups wanted legal advice to deal with custody issues, or felt their children had emotional or behavioral problems with which they needed support or counselling.

Three-quarters of the women in the institutional sample and half of those in the community sample reported difficulties in relation to their children since their arrest for their current offence. Asked what was the *most difficult* problem they had faced, the most frequently

mentioned was separation from their children (mentioned by 55% of the institutional and 18% of the community group, some of whom had served part of their sentence in institution; Table 11).

TABLE 11
MOST DIFFICULT PROBLEM CONCERNING CHILDREN

PROBLEM	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
Being separated	95	54.9	36	18.3	131	35.4
Care-takers	14	8.1	3	1.5	17	4.6
Lack of money	1	0.6	12	6.1	13	3.5
Gossip/telling child	7	4.0	11	5.6	18	4.9
Day-care on CSO	-	-	12	6.1	12	3.2
No major problem	39	22.5	93	47.2	132	35.7
No information	17	9.8	30	15.2	47	12.7
Number with children	173	100.0	197	100.0	370	100.0

Table 12 summarizes the main issues with which they felt they *now* needed help in relation to their children. These were similar both for those in the community and those in institutions and included more financial help or a job, counselling help, accommodation, day care, and legal help, usually in relation to custody issues.¹¹

¹¹ A more extensive account of the problems experienced by mothers in Ontario is provided by Wine (1992).

TABLE 12

CURRENT CONCERNS IN RELATION TO CHILDREN*

CONCERNS	INSTITUTION (N=173)		COMMUNITY (N=197)		TOTAL (N=370)	
	NUMBER	%	NUMBER	%	NUMBER	%
Day care	9	5.2	18	9.1	27	7.3
Accommodation	19	11.0	23	11.7	42	11.4
Money/job	30	17.3	41	20.8	71	19.2
Counselling	27	15.6	39	19.8	66	17.8
Legal help	12	6.9	15	7.6	27	7.3
Visits	19	11.0	12	6.1	31	8.4
Other ¹²	13	7.5	13	6.6	26	7.0
No information	2	1.2	1	0.5	3	0.8
No major problems now	88	50.9	110	55.8	198	53.5

* Some mentioned more than one type of help

Visits and contact with children

"Not through glass on a phone."

"It's a waste of time to be here for 20 minutes.."

Sixty percent of the institutional group had had contact with their children during their current sentence. Half were contacted by telephone or letter, half by their children visiting them. Of the women who were visited by their children, a third were visited several times a week or daily, the remainder less often. Vanier Centre for Women allows open visits but, while the majority of mothers at Vanier had had contact with their children (80%), it was usually by telephone.

¹² These included a number of cases where ex-partners, mothers-in-law or foster parents refused to bring the children to visit.

Among the women who had not been in contact with their children, 12% said they did not wish to see their children or have their children visit the institution. (Only two said they did not want to see their children at all). A few said it was too far for their children to come or too expensive (8%), they had not yet had time to contact them (9%), were prevented by court order from seeing them (4%) or they had been adopted (3%).

The reluctance of many of the women to receive visits from their children seemed to relate to the conditions under which visits in jails and detention centres across the province take place. The cramped accommodation behind glass in most visiting areas, with contact only via telephone, was particularly difficult for many women and their children, whatever their ages. As one woman who had spent a year in jail away from her two and three year-olds put it, the worst thing was being separated from them, not being able to touch them on visits or give them a hug.

Nor should the women's wish to have open visits be seen as simply a desire for physical contact. One woman with seven children aged 11 or older, was very concerned about an epileptic daughter and another needing surgery, and expressed her need to be able to see them under open conditions. Another with children six and seven years of age stressed she needed one-to-one visits so she could "hold the kids because they are very angry", and a third with an 11 and a 12 year-old commented:

Visits through a piece of glass [are] very harmful. There needs to be a recognition that there are different needs for a mom...visiting rooms away from other inmates who are having inappropriate conversations.

In addition, since young children must be accompanied, and in most institutions only one is allowed at a time, it may take a number of weeks for a woman to see each of her children - if escorts can be found to bring them. This was the case for one woman with four children under 10 who wanted to be able to see them as a family.

Asked what kind of contact they would like to have, over half the women expressed a desire for more visits (57%), primarily touch or open visits, and for longer periods of time. Many also stressed the need for facilities for open visits with families and which accommodated young children's needs, away from other inmates, and facilities for weekend visits.

For women whose families lived far from the institution it was felt that more money for telephone calls should be made available to enable them to maintain contact. Some wanted more Temporary Absence Programmes (TAPs) to allow them to go out to see their children.

SUMMARY AND DISCUSSION

- Overall, 69% of the women had children of their own, and 4% step-children. Among native women 86% were mothers.
- Thirty-one percent of the mothers were single, 34% married or living common-law, and 35% separated or divorced. Only 19% were living in a traditional 'nuclear' family of parents and children.
- A third of the children were five years or younger and 43% 6 - 16 years. Thus the majority of children were at least officially at a dependant age.
- Just under two-thirds of all mothers had children five years or under, and two-thirds children 6 - 16 years.
- The great majority of women with children (80%) had been single mothers for at least part their children's lives, and 32% had always been single mothers. There were no differences between the community and institutional groups.
- Prior to their arrest just over half (53%) the mothers in the institutional group (and 70% of those in the community) had been living with at least one of their children. Thus, over half of the mothers in institutions had had to make alternative care arrangements for their children at the time of their incarceration.
- Children who had not been living with their mothers were mostly cared for by relatives, or ex-partners. Eleven percent of all mothers had a child in foster care.
- The reasons why children had not been living with their mothers prior to their sentences included adoption at birth (7% of all mothers), living with relatives or friends by the mother's choice because of her life-style or circumstances (16%), grown up (15%), and taken into care or removed by an ex-common-law or husband against the mother's wishes (21%).
- Women in institutions were more likely to have placed children in the care of others by their own choice, and to have had them taken against their wishes, than those in the community sample.
- Three-quarters of the mothers in institutions, and half of those under supervision in the community, had had numerous problems concerning their children at the time of their arrest and subsequently. These included care arrangements, emotional problems, loss of custody, possible abuse from caregivers, and their inability to deal with their children's problems.

- Over half the incarcerated mothers said that their *most* difficult problem had been separation from their children.
- Approximately half the mothers still felt they needed help in relation to their children, particularly better financial support or a job, counselling and accommodation.
- Day-care assistance for women serving Community Service Orders was needed.
- Contact with children in institutions was a major source of concern and the need for more flexible policies was stressed. Thirty percent of those in the institutional sample had had visits with their children, and 30% had had contact by telephone or letter; 12% said they did not want their children to visit them in the institution, primarily because of the closed visiting arrangements.
- Fifty-seven percent of the women wanted more visits from their children. The overwhelming response from those in jails and detention centres was for touch visits, and many women stressed the need for visiting facilities away from the normal visiting area where they could see all their children at once, and spend some time with them. This applied to mothers with young babies, as well as those with older children and teenagers who they felt needed their time and care. Some women at Vanier Centre for Women wanted the possibility of overnight stays with their children.

IMPLICATIONS

It is difficult to provide a meaningful summary of family patterns and child care responsibilities for the women in the survey. This reflects the complexity of situations including single parenting, divorce or the break-up of partnerships, re-marriage or new relationships, all of which may involve children. It is no longer possible to assess relationships or family stability on the basis of marital status. Parents and other relatives are often involved in caring for children, or sharing the caring role, and the women may be single parents at some stages, and may share parenting at other stages.

Nor is it appropriate to conclude that a woman who has given over the immediate care of her children to a relative has no interest in continuing her role as mother, or is an 'unfit mother' because of her offending. Giving up the care of a child may be a rational and temporary choice on her part given her current life-style, which for some women in the institutional group involved addiction or misuse of drugs.

Similarly, it is not possible to conclude, nor is there evidence to support such a conclusion, that single mothers must, by definition, be poor role models or provide inadequate parenting. An increase in the number of single parents among the population of female offenders must be expected in the future, reinforcing the need to re-think policies in relation to women with children, and to focus greater attention on the variety and strengths of different caring

relationships. This has particular implications for ethnocultural minority groups whose family patterns may vary from the 'nuclear' family model.

The issue of children and parenting illustrates some of the problems resulting from the use of short-term incarceration for women. This issue involves much more than questions about the fitness of the women to be mothers, or whether imprisonment creates immediate child-care problems. Children clearly are affected by their mother's imprisonment, as are the mothers themselves. Men on the whole have fewer responsibilities for children, and the effects of separation for both them and their children are less often as traumatic, although they should not be minimized.

The results from the survey suggest that for the majority of women in Ontario correctional institutions satisfactory contact with their children remains an on-going concern during the time of their incarceration. Only one institution, Vanier Centre for Women, allows for contact visits. While this caters to women serving longer provincial sentences of over three months, the majority of women are either not eligible because of the length of their sentence, not acceptable because of their record, or choose to stay in a local jail or detention centre because of the distances entailed in moving to Vanier Centre for Women. Even those who are transferred to Vanier Centre for Women may still spend a number of weeks in a jail or detention centre.

In 1990-91, women were housed in 20 jails and detention centres across the province, none of which allow for quality contact with their families. In these institutions, non-contact visits, and other visiting restrictions traditionally in force for the majority male population apply. Even at Vanier Centre for Women, while the majority of mothers had been in contact with their children, many had not had visits. Transport, a chaperon, travel costs, and distance are all factors which make it difficult for children to visit if the women are located some distance from their home.

In the long-term, the costs of separation and the loss of opportunities to help support women with children in the community, must outweigh the temporary 'gains' of incarceration. What should be of primary consideration is maintaining or strengthening the relationship between women and their children, unless they themselves clearly stress that they have given up their children's care on a permanent basis and do not want to see them. There should also be an emphasis on meeting the needs and rights of both the mother and her children.

This suggests that every effort should be made to avoid the use of imprisonment or custodial remands for women with children.¹³ This may require the use of community residences near the woman's home, as well as greater use of bail. Community residences which would

¹³ A more detailed discussion of some of the developments discussed in this section is provided by Wine (1992).

accommodate women and their children, and mother and baby homes for women who are pregnant or with very young babies are also indicated.

Greater use of such facilities would help to reduce considerably the stresses involved for women and their children in the restrictive security setting of jails and detention centres. They would also seem preferable to the provision of facilities for mothers with very young babies within a institution setting, given that the great majority of provincial sentences are short.

Where there is no alternative to incarceration at the remand stage or for sentence, the focus should again be on the maintaining and strengthening of relationships, and particularly the development of visiting arrangements allowing women to see and interact with their children away from normal visiting areas. In the context of jails and detention centres, this may have implications for routine security, but the gains for both the women and their children may outweigh the immediate administrative convenience of closed visits.

Other developments include the provision of overnight stay facilities particularly at Vanier Centre for Women, and day-visiting schemes such as those developed in some women's prisons in England and the USA,¹⁴ and the extension of the temporary absence programme (TAP) to women with children. This could include the use of TAPs enabling women to stay in community residences near their children, and for weekend or short home visits.

There is also a need to develop or strengthen programmes which work with or help both the mother and her children, rather than focussing only on the perceived treatment needs of the woman in isolation from her family, or leaving the children's needs to be provided by other agencies. Women under community supervision and those in institutions indicated a need for the greater availability of supportive counselling for their children and themselves. Wine (1992) in her study of mothers in the justice system, similarly provides an account of the emotional problems arising from the offence and its consequences, as well as on-going problems of coping with family relationships. Such programmes are particularly crucial for those with young children and adolescents.

Without such reinforcement, separation may result in a greater breach in relationships than may have existed, and the possibility of loss of parental rights. Many of the changes required in relation to women with children require modification of existing rules and policies, rather than the provision of costly facilities. To accept the need to develop more flexible policies for women with children, who comprise the majority of women offenders, is to recognize the very high short and long-term costs of imprisonment for the women and their children.

¹⁴ See for example accounts of day-visiting schemes in England by Denton (Throwing away the rule book at Styal Institution. 1991), and at Bedford Hills Correctional Institution USA (Cannings, 1990). The Federal Task Force also recommended the provision of accommodation for women with children, and flexible visiting policies (Creating Choices, 1990).

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APPENDIX I
ADDITIONAL TABLES

TABLE A

CURRENT MARITAL STATUS FOR TOTAL SAMPLE OF WOMEN

MARITAL STATUS	INSTITUTION		COMMUNITY		TOTAL	
	NUMBER	%	NUMBER	%	NUMBER	%
Single	88	36.2	124	43.1	212	39.9
Married	23	9.5	33	11.4	56	10.5
Common-law	61	25.1	43	14.9	104	19.6
Separated etc.,	71	29.2	86	29.9	157	29.6
No information	-	-	2	0.7	2	2.1
TOTAL	243	100.0	288	100.0	531	100.0

TABLE B

COMPARISON OF LIVING ARRANGEMENTS OF TOTAL SAMPLE AND WOMEN WITH CHILDREN AT TIME OF OFFENCE OR CURRENTLY

LIVING ARRANGE	INSTITUTION (N=243)		COMMUNITY (N=288)		TOTAL SAMPLE (N=531)		WOMEN WITH CHILDREN (N=369)	
	NUMBER	%	NUMBER	%	NUMBER	%	NUMBER	%
Alone	28	11.5	40	13.9	68	12.8	44	11.9
With friend	29	11.9	28	9.7	57	10.7	26	7.0
With husband/ common law/ boyfriend	71	29.2	49	17.0	120	22.6	80	21.7
With parents/ relatives	54	22.2	47	16.3	101	19.0	36	9.8
Alone with children	19	7.8	65	22.6	84	15.8	84	22.8
With children/ common law/ relatives, etc.	40	16.5	55	19.1	95	17.9	95	25.7
No fixed abode	2	0.8	-	-	2	0.4	2	0.5
No information	-	-	4	1.4	4	0.8	2	0.5

