

**Submission to the United Nations Committee on the Rights of the Child for their Day of General Discussion on Children of Incarcerated Parents** by The Osborne Association's New York Initiative for Children of Incarcerated Parents and The Committee for Hispanic Children and Families, Inc.

**Recommendations to the Committee on Rights of the Child**

The *Children of Incarcerated Parents' Bill of Rights* provides a guide for the following recommendations as well as a tool for government policy and protocols to ensure that they are upholding the rights of children whose parents are in the criminal justice system. Our top five recommendations for action by the UN Committee not only reduce the trauma currently experienced by children when a parent is incarcerated, but also promote the government goals of efficient spending, security and public safety.

**Arrest**

1. All agencies authorized to make arrests should implement child-sensitive arrest protocols designed to minimize child trauma and out-of-home placements. Training for law enforcement staff should be provided regarding implementation. Law enforcement agencies should provide information to arrested individuals about planning for care of children at and after the time of arrest—whether the person under arrest requests information or not.

**Courts**

2. Sentencing laws should integrate the impact of incarceration on the defendant's children through the use of Family Impact Statements.

**Corrections**

3. Incarcerated parents should be located as close to their minor children's residence as possible to allow for visiting and to reduce costs of travel to courts. Distances between children and their incarcerated parents and the lack of publicly funded visiting programs make visiting impossible for many families. This should be a consideration for corrections as well as immigration detention facilities.
4. All correctional facilities should have child-friendly visiting policies, with child-sensitive security procedures. This includes contact visits being the standard, and visiting hours and schedules that do not interfere with school attendance. Corrections staff should also be trained to provide culturally competent services, including visitor processing, interactions with children and families, and incarcerated people, themselves.

**Children and Family Service Providers**

5. Children's service providers and government agencies that focus on children and family well-being should adopt practices for this population of children that ensure that children's rights are being upheld, that improve interagency coordination to better meet the needs of these children, and provide training to their staff. Taking into account that many incarcerated parents are of Latino ancestry and primarily Spanish-speaking, it is imperative that all service providers and government systems invest in developing linguistically and culturally competent services for children of incarcerated parents and their families.