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## Youth Justice and Child Wellbeing Reform across Australia SHINE for Kids Submission June 2023

SHINE for Kids welcomes the opportunity to present this submission to the National Children's Commissioner to inform Youth Justice and Child Wellbeing Reform across Australia.

SHINE for Kids was originally known as the Children of Prisoners' Support Group and was created following the release of The Children of Imprisoned Parents Report, commissioned by the Family and Children's Services Agency in 1982. In 2004, our name was changed to SHINE for Kids. SHINE for Kids is the only national charity to provide services to support children and young people with a parent in prison. Our programs operate in custody, in schools, and in community in NSW, ACT, VIC, and QLD. They include child-friendly prison visits, child and family centres, youth justice mentoring, children's supported transport, education support, Aboriginal programs, family case management, evidenced-based parenting programs, facilitated playgroups, casework, and carer support.

SHINE's programs provide positive opportunities and trauma-informed support to reduce the likelihood of young people transitioning into child protection and justice systems, help children and families remain connected, reduce intergenerational offending, and reduce both youth and adult recidivism.

As a cohort, children and young people with an incarcerated parent should be considered as part of this review as all research indicates they are at significantly greater risk of entering the justice system. There needs to be increased investment and diversionary and mentoring programs for children. Early intervention programs primarily fund families with children 0-8, however once they go to school access to programs significantly decreases and there are few programs specifically for the child, as current and previous programs are family orientated and primarily about the parent/s.

Our submission draws on national and international research and over 40 years of practice, research, and advocacy experience on the specific needs of children and young people with a parent in prison nationally.

Children whose parents are imprisoned remain largely invisible and are a highly vulnerable group whose rights and welfare are affected at every stage of criminal proceedings against their parent. Incarceration is a stigmatising experience that can often lead to social exclusion, lower self-esteem, and lower self-efficacy.<sup>1</sup> Importantly, children are often seen

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<sup>1</sup> Evans, D. N., Pelletier, E. & Szkola, J. (2018), 'Education in Prison and the Self-Stigma: Empowerment Continuum', *Crime and delinquency* 64(2): 255–280.

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■■■■■■ "invisible victims" of incarceration as they have little choice or control over ■■■■■■ situation.<sup>2</sup> Children of incarcerated parents also report higher rates of suicidal thoughts and self-harm than children who are not impacted by incarceration.<sup>3</sup>

In Australia the rights of children of incarcerated parents remain largely unacknowledged within the criminal justice system. Children of prisoners fall through the cracks created by inadequate program funding, ad hoc service provision and a lack of clarity in law and policy as to how best to respond to them and ensure their rights and needs are met. At a state and national level there is lack of robust, long-term evaluations of policies and programs addressing the intergenerational impacts of incarceration and effectiveness of programs and policies supporting children of prisoners and their carers<sup>4</sup>.

It is widely recognised that the enforced separation caused by incarceration can result in significant hardships on families and can strain bonds between parents and children. Often people are imprisoned in facilities that are far away from family and loved ones are forced to travel long distances for visits. This can have a negative impact on children's development, their engagement in school and can fuel intergenerational inequalities.

Due to a lack of publicly available data, we don't know exactly how many people in Australian prisons are parents, but it is estimated that around 50% of adults who are incarcerated have children. In June 2022, there were 40,591 adult prisoners in Australia.<sup>5</sup> It is unknown as to how many children are affected by parental imprisonment as this data is not collected. Parental incarceration impacts negatively on family wellbeing. Children impacted by parental incarceration are also at higher risk of having contact with the criminal justice system and the cycle of intergenerational offending.<sup>6</sup>

When a parent spends time in prison, away from their family and community, it creates an adverse childhood experience for children that has lifelong impact. To fully understand the harmful effects of incarceration on the parent-child relationship, we must first recognise the importance of that relationship to a child's healthy development, which is underscored by attachment theory. Attachment theory is rooted in the knowledge that children should

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<sup>2</sup> Eddy, JM & Poehlmann-Tynan, J.(2019), Handbook on Children with Incarcerated Parents: Research, Policy, and Practice, Springer International Publishing

<sup>3</sup> University of Newcastle (2021) 'Intergenerational Incarceration in NSW Prisons and Youth Justice Centres', Summary Report from An Epidemiological Analysis of Intergenerational Incarceration in NSW Prisons and Youth Justice Centres, Newcastle

<sup>4</sup> Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

<sup>5</sup> Australian Bureau of Statistics, Prisoners in Australia - 2022

<sup>6</sup> University of Newcastle (2021) 'Intergenerational Incarceration in NSW Prisons and Youth Justice Centres', Summary Report from An Epidemiological Analysis of Intergenerational Incarceration in NSW Prisons and Youth Justice Centres, Newcastle.

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ence warm, intimate, and continuous connections with their parents or parents figures in a way that produces satisfaction and enjoyment.<sup>7</sup>

In a review into the Literature by For-Purpose Evaluations when developing an Outcomes Measurement Framework for SHINE for Kids in December 2021 it was highlighted that children were the invisible victims of incarceration, with the children of incarcerated Aboriginal mothers found to be at increased risk of having contact with the justice system themselves, exacerbating intergenerational trauma (Jones et al, 2018). The review went on further to say that quality family connection is associated with reduced recidivism and intergenerational offending as indicated across various studies. Parental imprisonment has been found to correlated with a variety of adverse intergenerational outcomes, including anti-social behaviour (Murray and Farrington 2005), reduced educational engagement and substance misuse.<sup>8</sup>

There is sufficient evidence to suggest that a child’s emotional wellbeing is negatively impacted by parental incarceration. This impact can exhibit as negative externalising behaviours, such as physical aggression towards others and destroying things.<sup>9</sup>

In 2023, SHINE for Kids partnered with Monash University, Griffith University and Australian National University with funds from the Paul Ramsey Foundation in a project entitled ‘[Mapping the needs and experiences of children affected by parental imprisonment: A national survey.](#)’

The project surveyed caregivers of children with a parent in custody.<sup>10</sup>

This survey report highlighted the following challenges experienced by primary carers and children of parents who were incarcerated, through the eyes of the carer.

- Approximately 50% of the children were regularly absent from school.
- They have had contact with police and/or youth justice at higher rates than the community.
- Almost two-thirds were under 10 years of age.
- There was commonality of anxiety and bullying in the wider group.
- Externalising behaviours are present in some children, with a concerning trend towards suspension and expulsion reported for around 30% of school-aged children.
- Contact with police or youth justice represented near 12.8% of the cohort which is much higher than in the wider community (3.8%)

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<sup>7</sup> Bowlby, J (1951) “Maternal Care and Mental Health.” Bulletin of the World Health Organization 3 p355–534.

<sup>8</sup> Literature Review by For-Purpose Evaluations when developing Outcomes Measurement Framework for SHINE for Kids

<sup>9</sup> Eddy, JM & Poehlmann-Tynan, J.(2019), Handbook on Children with Incarcerated Parents: Research, Policy, and Practice, Springer International Publishing

<sup>10</sup> Flynn, Harrigan, Bartels, Dennison, Huggins, Grage-Moore (2023), Mapping the needs and experiences of children affected by parental imprisonment: A national survey.’

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██████ level of disability or chronic illness reported in children was considerably high ██████ in the community, as were the reports of diagnosed mental health issues.

Of considerable concern is that for those children who had been in contact with police or youth justice systems for offending, for most of these children, the contact with police or youth justice system had occurred under the age of 14. (pg 23). Additionally concerning is the substantial minority of school-aged children who had been suspended or expelled from school. (pg 24)

#### National Survey Recommendations

The survey findings support the implementation of a range of specific recommendations, namely:

- increased support for incarcerated parents, particularly noting the additional needs these parents are likely to present with, as a result of co-existing health/mental health challenges.
- specialised, free and accessible support for children and families, during and after imprisonment, which should be pro-actively offered at key points, when families interact with the criminal justice system (e.g. arrest, sentencing, at imprisonment, and in relation to visiting).
- wrap-around support for families with complex needs to reduce the burden of navigating multiple service systems.
- support before, during and after video visits for children and parents.
- targeted support to address the specific needs of Indigenous families.
- targeted support to address the specific needs of families experiencing disability.
- services and resources to support family connection during imprisonment; and
- training and support for schools and teachers, to ensure they are aware of the issues the children of incarcerated parents may experience and can respond appropriately.

The report also recommends that there is a need to hear from the children directly about both their experiences and their recommendations for support in relation to their parents' incarceration. SHINE for Kids encourages this target group are involved in discussions with children and young people as part of this reform. Our research has also revealed areas which require ongoing investigation.

Specifically, there is a need to hear from:

- children directly, about both their experiences and their recommendations for support in relation to their parents' incarceration.
- children and families, about their experiences of the post-release period.

Given that families who experience parental imprisonment are not an homogenous group, there is also a need to understand:

- the specific needs and strengths of Indigenous families interacting with the prison system.

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- intersecting needs of families with disabilities; and ■■■■■
- experiences of children and families involved with statutory child welfare services, specifically those where children are also involved with police/youth justice.

In a recent US study, the results specifically highlighted parental incarceration as a risk. Cumulative exposure to childhood trauma was associated with criminal justice involvement in adolescence and adulthood and parental incarceration was consistently one of the, if not the, most strongly associated with each form of criminal justice involvement, the strength of these associations was weakened for those who reported a close mentor compared to those who did not.<sup>11</sup>

Effective mentoring programs in the criminal justice context have been known to increase self-confidence, sociability, and openness (Laakso & Nygaard, 2012). For years, SHINE for Kids has been developing initiatives to support and mentor young people who are in the justice system to get out of it and stay out of it, helping to break the cycle of intergenerational crime. One of our headline programs, 'Stand As One', has been run inside Youth Justice Centres since 2010, and has proven pivotal in helping address some of the major challenges that young people face when they re-enter the outside world, and are confronted with choices both good and bad.

Four to six months before release, each young person who participates in the program is matched with one of our adult mentors to help prepare them for living in the community. The young person gets support with practical life skills such as getting a Medicare card, finding a house to live in, or looking for work. They also get to talk with their mentor about their expectations, goals, family relationships and how to manage in the community. And the support continues for another six to eight months once they leave the Centre, when they particularly need a hand.

More than 81% of young people in the program have successfully met their parole and probation conditions in community and have not returned to custody in 12 months, while 70% have either found full time employment, or are enrolled in TAFE, apprenticeships, or schools.

### Case Study

■■■■■, is a bright, endearing young man who unfortunately became caught up in gang related criminal activity at the age of 15. With his father incarcerated at the time of his offense, ■■■■■ had taken on the "man of the family" role, helping his mother out financially as she was struggling to cover the cost of living for herself and his younger sister. ■■■■■ found a sense of belonging with some gang affiliated older males in ■■■■■

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<sup>11</sup> Scanlon, Schatz, Scheidell, Cuddeback, Frueh and Khan, in JClin Psychiatry (2019) 'National Study of Childhood Traumatic Events and Adolescent and Adult Criminal Justice Involvement Risk: Evaluating the Protective Role of Social Support From Mentors during Adolescence'.

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██████████. Extremely vulnerable and motivated by making money to help his family, ██████████ got caught up in a very serious, violent incident which resulted in him receiving a four-year custodial sentence.

When he first entered custody ██████████ was recovering from injuries, he had sustained during the police arrest, he was in physical pain, concussed and traumatised by the incident itself. He was filled with anxiety, remorse, and guilt, blaming himself for causing more grief and stress for his mother and little sister. ██████████ disclosed to his custody psychologist that he had nobody to talk to about his overwhelming situation as he didn't want to worry his mother anymore and was not comfortable speaking to the other boys about personal worries. ██████████'s psychologist made a referral to SHINE in the hope of finding a mentor that could provide some emotional support and guidance. ██████████ was matched with a young woman who is the eldest sibling of a large Australian/Italian family, she is also a solicitor which ██████████ found impressive given she did not complete her private school education. After their first meeting at the end of 2018 ██████████ said, "██████████ is awesome, she is so smart and easy to talk to... it's like spending time with a big sister".

Over the past four years ██████████ and ██████████ have had fortnightly face to face mentoring sessions when possible and regularly speak on the phone. ██████████ continually encouraged ██████████ to focus on completing Year 10 and then the HSC, as well as many other courses as he could whilst in custody. ██████████ went on to complete many courses including a Barista's course, Cert IV in Fitness, Horticulture, Hospitality, his Year 10 and the HSC in 2021. ██████████ has supported and advocated for ██████████ at case conferences and other areas that he needed assistance with along the way.

After four long years and as many birthdays spent in custody ██████████ was released in June 2022. ██████████ has since reunited with his mother and sister; he worked in construction and the fitness industry to keep busy as he prepared to start his university studies. ██████████ was accepted to study a Bachelor of Commerce at the ██████████ and commenced in February 2023. ██████████ plans to live on campus to have the full University student experience. He recently toured the University with his mentor which he found extremely exciting, describing it as a mini city within a city.

██████████ is a huge success and testament to the positive impact of mentorship in the lives of vulnerable young people. ██████████ said she couldn't be prouder of ██████████; she feels privileged to have walked alongside him and witness him grow and mature from a teenager into the proud young man he is today. Although, SHINE for Kids will no longer formally supervise ██████████ and ██████████'s mentorship, there is no doubt that ██████████ will continue to provide support and guidance for many years to come.

Finally, SHINE for Kids also recommends the following:

- Investment in transition to high school programs for children with incarcerated parent.

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██████ less to families at sentencing and or remand, at the initial or touch point of ██████ so that early intervention is possible.

- Investment in culturally appropriate pre and post release youth justice mentoring programs. ██████

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