

Considerations for Alternative Care Providers

Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents



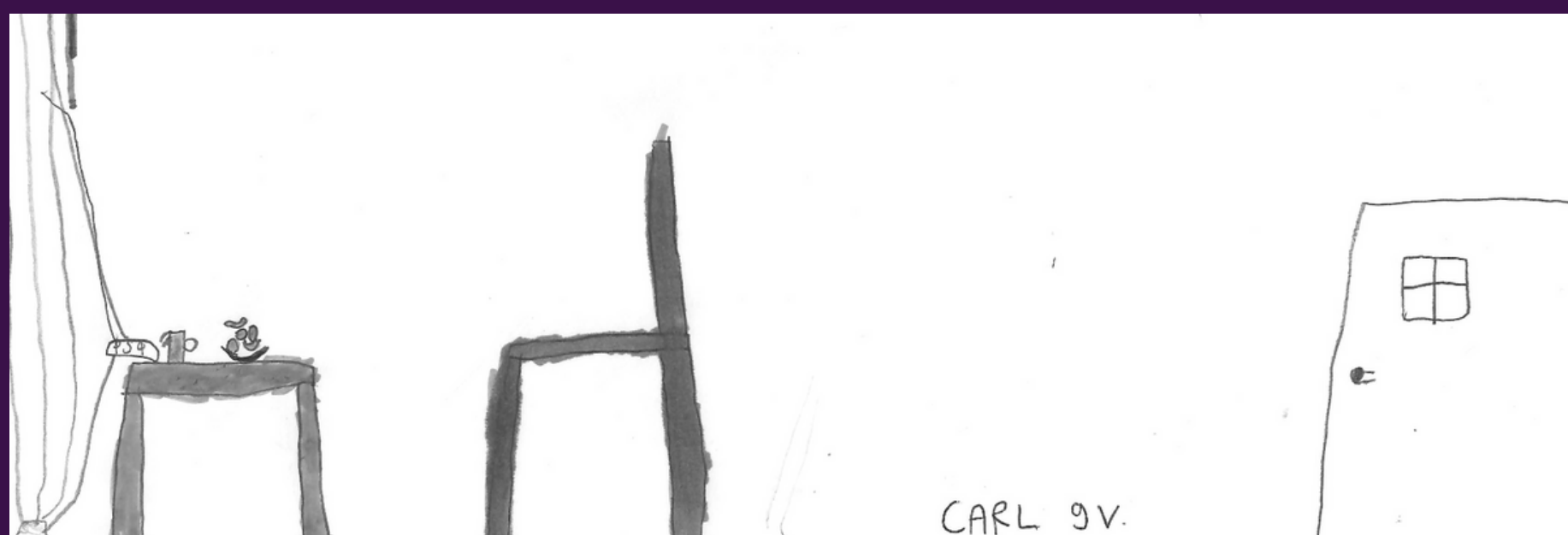
SANDRA, aged 9, Sweden

Introduction

When a primary caregiver is imprisoned, informal arrangements for the care of their children are often made within the family environment: children may reside with grandparents, relatives, friends or neighbours. These solutions are known as 'kinship care'. Where this is not possible, children may be placed in residential institutions of care. 'Alternative Care' (AC) is an umbrella term for these varying informal or formal solutions.

The imprisonment of a parent – recognised as an Adverse Childhood Experience (ACE) – can have long-lasting consequences on children when they are not provided with adequate and individualised support. The care arrangements made from a parent's arrest onwards are often made in haste. Carers may not be financially supported by the State and may need advice themselves regarding *how* to support children facing parental imprisonment. For children living in residential institutions the priorities of the institution may take precedent over children's needs, and rights to maintained contact with a parent in prison. In addition, children living in AC who also have a parent in prison may be more vulnerable to stigmatisation and negative stereotyping.

This document provides a brief overview of key points to ensuring that AC solutions adequately protect the rights and needs of children with a parent in prison, some key articles of the Council of Europe's Recommendation CM/Rec(2018)5 and links to further resources and materials.



CARL, aged 9, Finland

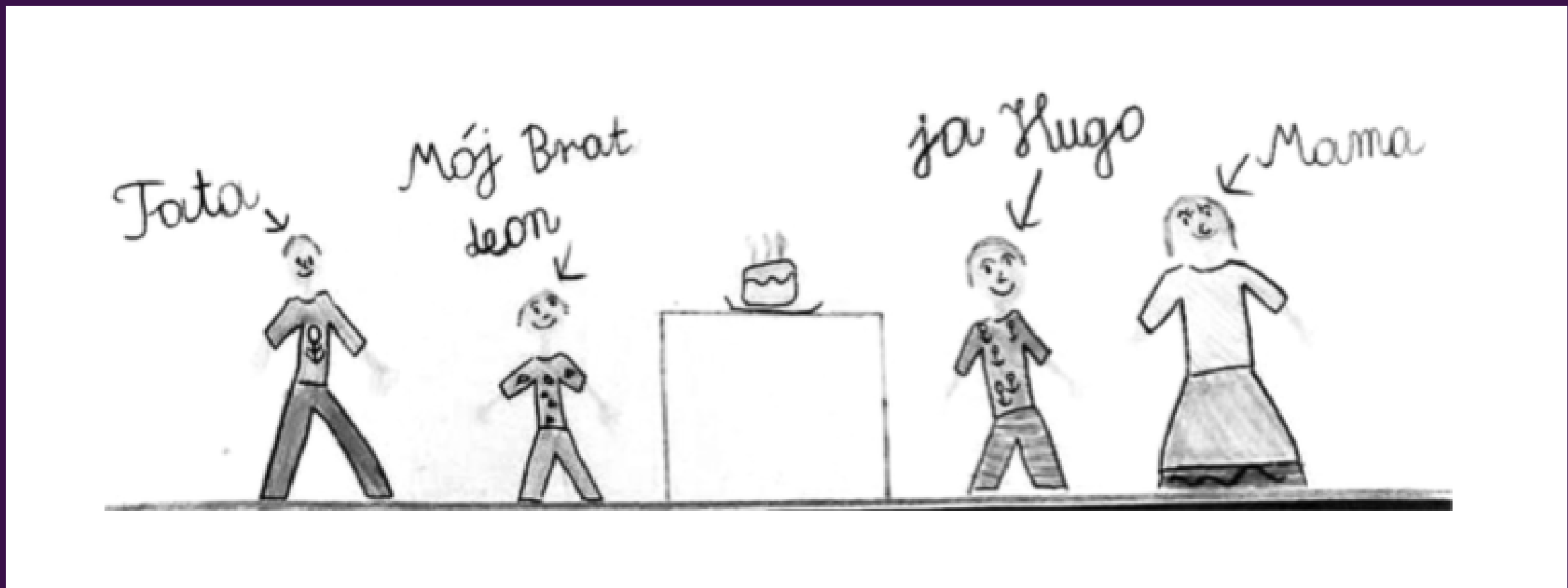
Key Considerations

- Avoid **unnecessary family separation**. Limiting the separation between children and family members, as well as familiar environments, should be prioritised. Residential institutions should be seen as a measure of last resort.
- Improve and ensure a **consistent level in the quality of AC**, in all its different iterations. Does AC promote healthy relationships? Is the environment safe? Are minimum standards for health met? Does the AC promote and facilitate ongoing contact between child and parent in prison? These considerations should be continually reevaluated.
- **Child participation**: children should be listened to when decisions are being made regarding their care.
- **Care for the carers**: providing support for carers is paramount to ensuring that AC is adequate, supportive and safe. Financial assistance to those looking after children, as well as guidance on discussing parental imprisonment, should be provided.
- Initiatives linked to the **judicial branch**: judges should find out whether detainees have children in their exclusive care and where they wish to remain and inform relevant child protection authorities so that support is provided. Model practice regarding this can be seen in Argentina.



ISAC, aged 7, Sweden

Key Links and Resources



HUGO, aged 7, Poland

- Briefing paper: [Children with Imprisoned Parents and Alternative Care](#)
- European Journal of Parental Imprisonment, Vol 10, 2021: [Alternative care and parental imprisonment: Perspectives and interventions to support children](#)
- [It's Time to Act: CoE Recommendation CM/Rec\(2018\)5](#)
- [Implementation Guidance Document: Council of Europe Recommendation CM/Rec\(2018\)5](#)
- ['Make our Voices Count': Children and young peoples' responses to a global survey for the Day of General Discussion 2021 on Children's Rights and Alternative Care](#)

Relevant Articles from Recommendation CM/Rec(2018)5

The Council of Europe's Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents is a landmark instrument which both recognises parental imprisonment as having long-lasting effects on the well-being of millions of children, and addresses the needs of those children with a parent in prison through 56 guidelines for good practice.

Below is a selection of these guidelines that aim to support children when placed in Alternative Care following the imprisonment of a parent.

12.

Prior to, or on admission, individuals with caregiving responsibilities for children shall be enabled to make arrangements for those children, taking into account the best interests of the child.

40.

After infants are separated from their parent in prison and they are placed with family or relatives or in other alternative care, they shall be given the maximum opportunity possible and appropriate facilities to meet with their imprisoned parent, except when it is not in their best interests.



Relevant Articles, cont.

13.

At admission, the prison administration should record the number of children a prisoner has, their ages, and their current primary caregiver, and shall endeavour to keep this information up-to-date.

12.

Prior to, or on admission, individuals with caregiving responsibilities for children shall be enabled to make arrangements for those children, taking into account the best interests of the child.

19.

When a child caregiver is unable or unwilling to visit the imprisoned parent (due to circumstances of illness, divorce, family breakdown, etc.), as children are entitled to contact in their own right, it should be possible in such cases to facilitate this right to contact, where the child wishes this.

48.

Staff who come into contact with children and their imprisoned parents shall receive training in areas including how to respect children's needs and rights, the impact of imprisonment and the prison setting on children and the parental role, how to support imprisoned parents and their children and better understand the specific problems they face, how to make visits child-friendly and to search children in a child-friendly manner.

Find the complete recommendation at

[HTTPS://CHILDRENOFPRISONERS.EU/COUNCIL-OF-EUROPE-RECOMMENDATION-CM-REC20185/](https://childrenofprisoners.eu/council-of-europe-recommendation-cm-rec20185/)





Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, and that action is taken to enable their well-being and development.

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