

Frontline Perspectives on Maternal Incarceration

Mirinda Bray and Abby

In 2021, a collaborative team of academic researchers, frontline services providers, and people with lived experience of incarceration conducted research with the aim of exploring the experiences of provincially incarcerated mothers in Nova Scotia and offering recommendations to the Nova Scotia Department of Justice with respect to improving the experiences of mothers facing criminalization (Paynter et al., 2022). This study was rooted in prison abolition and team members remained committed to resisting the normalization of maternal incarceration in analysis. This article provides reflection on the main findings of this study from a frontline service provider heavily involved in supporting mothers with experiences of criminalization and a mother with lived experience of incarceration.

ABOUT MIRINDA

I began my career at Coverdale as the Coordinator of the Family Justice Project. This project was created to address the barriers and gaps for mothers who were navigating the criminal justice system, family court system, child protection and ensuring they had the appropriate resources, programming, and support when they were being released from provincial incarceration. Once a mother is incarcerated, no matter the circumstances, it is held against them in their efforts to parent their children. The process of Family Court and Child Protection begins without their knowledge (unless they already have connections within the community to tell them). This leaves mothers unable to fight while they are inside. In 2021, the Family Justice Project was defunded, however, we continued to bridge the gap for Mother's who are incarcerated with our 15-bed bail house, Caitlan's Place for Women, Trans, and Non-Binary individuals exiting provincial incarceration. When individuals are taken into custody, we connect with them on their rehabilitation plan; part of is asking them if they have children (the jail does not ask them then this when they are incarcerated). If they are granted bail, we provide them with affordable housing, a cell phone, income support, transportation, family support and programming. Coverdale provides the basic needs to all. However, our two of our main supports for mothers are providing transportation and parenting

classes for Family Visits throughout Nova Scotia. This allows mothers to continue to keep the connection with their children and retain their mother-child bond within the community instead of behind glass windows. Above all else, Coverdale advocates for mothers to serve their sentences within the community to maintain their relationships with their family.

ABOUT ABBY

I am a mom of a strong, resilient 8-year-old girl. I use the word resilient for the simple fact that she has to suffer for the mistakes and bad decisions that I have made. Personally, I have had to deal with the legal system for the past two years because of toxic relationships, one after the other. I have always struggled fitting in and tend to gravitate towards being a follower and because of this my actions lead me to be on house arrest two years later. Between being diagnosed with B.P.D, and actively on house arrest, it makes it hard for me to find available time on the weekends to see my little one. My daughter does not understand why mommy cannot have sleepovers with her and why I must reside at Caitlan's Place. After a quick weekend visit, we have to say goodbye which is heart wrenching for the both of us. I come home feeling hopeless, trapped, filled with regret, and set up for failure.

REFLECTIONS ON MATERNAL INCARCERATION AND WEAPONIZED MENTAL HEALTH AND ADDICTIONS

Mothers describe feeling extremely depressed and/or anxious as a result of being separated from their children. Mothers of young children worry about missing critical developmental years. Mothers of older children describe the damage to their relationships and a range of coping mechanisms their children used to cope with the trauma. Stress also comes from imagining the daunting task of re-building a connection post release. Mental health and addictions are one of the most common reasons why a client's child has been taken out of their home. The first stepchild protection services (CPS) asks of clients is to obtain a Mental Health and Addiction Screening. This takes 3-6 months. If these results come back high for addiction, CPS will then obtain information from extended family or friends, even if they are not reliable. Urinalysis testing is typically also ordered. This can last 4-8 weeks. The client must be at home from 6:00am-8:00am every morning to provide testing. This has caused

one of my clients to miss two hours of work for four weeks, affecting her job and her ability to pay her bills. If you do not answer the door when they show up, this is considered a positive test. If you provide and it comes back positive for substances, they do not consider the percentage or possibility of a false positive, it is automatically assumed to be a positive and the process starts over again. If your screening comes back high for mental health or if you have been checked into the hospital for mental health, child protection will automatically remove the children from the home. Child Protection will assign you a therapist that is paid through the Department of Community Services. These conversations are not private as they are all relayed back to the long-term social worker. Child Protection has a list of therapists who are approved for their clients to see. Some of these therapists resist the child protection system and refer client to community-based services.

Child Protection/Family Policing

Mothers feel disempowered by child welfare workers, who they feel do not recognize their efforts to improve and parent. I have learned that a long-term social worker with Child Protection Services can open a file on just about anyone, with little evidence, and can keep that file going as long as they want. These workers hold the power above judges and police; it is difficult to find services that can override them without consequences. Many child protection investigations are launched based on assumptions from ex abusive partners, parents, or anonymous calls. Some things social workers have said to my clients are *“I would rather see your kids on the streets than in your care”* and *“If it was up to me I’d take them right now”*.

Family court support is always difficult to attend but became even more difficult due to the pandemic. You must give 24 hours’ notice to the court to inform them you will be attending, but due to the pandemic there were no contacts to inform the Judge that a community support worker would be attending. This left the community support worker being told to leave the conference many times. It was also difficult to obtain a lawyer for family court matters during the pandemic. This led to cases being pushed, prolonging their child protection matters or not having any representatives during court.

Released with Nothing

Once released, mothers struggle to work towards parenting with little to no support. Released without a phone, income supports, or any access to housing, mothers rely heavily on community-based organizations. The most critical

need is safe housing; mothers cannot have visitation with their children without safe housing. Mothers are not supported while they are incarcerated and are only informed via phone that there will be no services and no support in the process of finding housing. When clients do find housing, Child Protection can argue that their area is not a “prosocial” area. If Child Protection believes they are in an ‘unsafe neighbourhood’, ‘unsafe building’ or the building/apartment is not to their standards the children will not be returned home. This is extremely hard to navigate as Halifax is in a housing crisis and being housed should be a positive note on their file, but it is not.

CONCLUSION

Incarcerated mothers are deadline with mental health and addictions and trauma. Many are victims of intimate partner violence. They are tasked with ‘rehabilitating’ themselves to regain custody of their children but are given no support to do so. Through our experiences it is clear there needs to be more support offered to mothers and their children, who unfairly bear the burden of their mother’s criminalization and incarceration. There also needs to be more support for mothers and children feeling violence. Mothers are being labeled as ‘crazy’ and incarcerated while their ex-abuser has temporary custody of their children. As people with frontline experience of maternal incarceration we advocate for community-based alternatives to incarceration and for no mother to be incarcerated.

ABOUT THE AUTHORS

Mirinda Bray is the House Director of Caitlan’s Place, a supported housing program in Halifax, Nova Scotia for women and gender diverse people involved in the criminal legal system. She was an inaugural staff for the J.E.C project, a decarceration program that provided emergency housing and wrap-around support services for individuals exiting jail in the context of COVID-19. She previously held the position of Family Justice Coordinator where she supported mothers navigating the family court system through child protection and custody matters and worked directly with mothers who are provincially incarcerated or criminalized.

Abby is a mother who has experienced criminalization in Nova Scotia and incarceration in its provincial jail system.