



Mother-child program

This booklet tells you how to apply to have your baby or child with you while in federal custody and other ways that you can bond with your child.

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Why is the mother-child bond important?

Your baby or young child has a right to stay with you while you are in prison if it is in their best interests to do so.¹

Bonding is important for both you and your baby or child. Bonding gives your child a sense of security and self-esteem and helps you to feel connected to your child.²

It is best for you and your baby to be together from birth. Sleeping in the same room as you from the time they are born is best for your baby's physical and social health, and for your own.³ It is recommended that you feed your baby only breast milk until six months, and continue to breastfeed up to age two or older.⁴ Breastfeeding is good for your baby's physical and psychological development. It is also good for your physical and mental health.⁵

1 *Canadian Charter of Rights and Freedoms*, ss 7, 15; *Corrections and Conditional Release Act*, SC 1992, c 20, ss 76-77; *Inglis v British Columbia (Minister of Public Safety)*, 2013 BCSC 2309 at paras 6-17, 358-371 [*Inglis*]; *Declaration of the Rights of the Child* (1959), art 6; *Convention on the Rights of the Child*, art 9.

2 KidsHealth, "Bonding With Your Baby" (Reviewed June 2018) <https://kidshealth.org/en/parents/bonding.html>

3 *Inglis* at para 328.

4 *Inglis* at para 329; Government of Canada, Nutrition for Healthy Term Infants: Recommendations from Birth to Six Months (2015) <https://www.canada.ca/en/health-canada/services/food-nutrition/healthy-eating/infant-feeding/nutrition-healthy-term-infants-recommendations-birth-six-months.html>; Government of Canada, Nutrition for Healthy Term Infants: Recommendations from Six to 24 Months (2014) <https://www.canada.ca/en/health-canada/services/food-nutrition/healthy-eating/infant-feeding/nutrition-healthy-term-infants-recommendations-birth-six-months/6-24-months.html>

5 *Inglis* at para 330.

It is important that your child forms an attachment to a primary care giver at a young age. Attachment will help your child in the future to feel secure, form relationships, and be emotionally healthy. Attachment with your child will also help your emotional well-being.⁶

What is the Mother-Child Program?

Correctional Service Canada has a Mother-Child Program, made up of services and supports to help you have a stable and positive relationship with your child.⁷

The “residential component” of the program might allow your child to live with you while in custody, either part-time or full-time.

Even if your child cannot come to live with you, there are other parts to the program to help keep a bond with your child while you are in prison. These are called the “non-residential components” of the program.

Can my child come to live with me in prison?

You can apply to have your baby or child live with you in custody if you are classified as minimum or medium security.

- You can apply to have your child live with you **full-time** in a living unit **until they turn 5**.

6 *Inglis* at paras 332-335.

7 Correctional Service of Canada, “Commissioner’s Directive 768: Institutional Mother-Child Program” (18 April 2016) [CD 768].

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- You can apply to have your child live with you **part-time** in a living unit **until they turn 7**.
 - You can apply to have your child live with you **part-time in the private family visit facilities until they turn 19** (in British Columbia).

Normally, you can't be in the program if you have been convicted of an offence against a child, or an offence which could reasonably be seen as endangering a child. But you can still be in the program if a psychologist or psychiatrist assesses you and finds that you are not a danger to your child.

If you are living in the Structured Living Environment, your child will not be able to live with you in your living unit. Instead, you can apply for part-time residency in the private family visit facilities.

If you were taken out of the Mother-Child Program, or if you were released from prison with your child and you are now back in custody, you will need to start a new application if you want to be in the program again.⁸ In some cases, your assessments might only need to be updated.⁹ You could ask about this and see if the process can be done faster than the first time.

8 CD 768, paras 34, 41, 42.

9 CD 768, para 34.

How do I apply?

If you are pregnant or have a child and would like to apply to have your baby or child live with you, you must **fill out the Mother-Child Program Residential Application**. Ask your Institutional Parole Officer (IPO) for the form.

To avoid delays, inform the mother-child coordinator as soon as possible that you intend to apply so that they can arrange for any programs or assessments that are needed.

It is best to apply for the Mother-Child Program as soon as possible. The process can take time. If you receive approval before your baby is born, your baby will be able to return to the institution with you after they are born.

Your IPO must enter your application into the Offender Management System (OMS) and schedule a case conference with the Mother-Child Coordinator to review your application.

If you are eligible to apply for the program, the Mother-Child Coordinator will ask the Ministry of Children and Family Development (MCFD) for a written assessment of whether it is in the **best interests of your child** to live with you while you are incarcerated. If MCFD is not able to do an assessment, the Mother-Child Coordinator must request a written assessment from a health care professional who specializes in child care.

MCFD or the child care specialist must support your application for it to be approved.

If MCFD will not complete an assessment until your baby is born, then the warden can approve you on the condition that MCFD approves your participation.¹⁰

The Mother-Child Coordinator will consult with the Chief of Mental Health to see if there are any mental health concerns. The Chief of Mental Health might ask for a mental health assessment of you.

If your child is currently living with a caregiver in the community, your IPO might ask for a Community Assessment to see what support you have from them to participate in the Mother-Child Program.¹¹

What happens next?

When your IPO has all of the information needed, they must give you an Assessment for Decision (A4D), and also share with you any other information that was used in making a recommendation. Your IPO must give you the A4D within 30 days of receiving all of the needed information.

If you are not happy with the recommendation in the A4D, you have **2 working days** from when you received the A4D **to submit a rebuttal** (in person or in writing) to the warden. If you need more time, you can ask the warden to give you an extension of up to 30 working days.

10 CD 768, para 27.

11 CD 768, paras 5-11, 21-23.

If you are Indigenous, the A4D must include consideration of your Indigenous social history and culturally appropriate options. You should talk about these in your rebuttal.

Contact Prisoners' Legal Services if you would like help to write your rebuttal. Ask the warden for an extension of time to submit your rebuttal.

Your IPO will present their recommendation to the Mother-Child Program Review Board, and then to the warden for a decision.

The warden will make a decision after getting the A4D, any other information and your rebuttal if you submitted one. The decision whether to allow your child to stay with you should be based on the best interests of your child.¹²

Your IPO must give you a copy of the decision within 5 working days.¹³

12 UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, A/RES/65/229 (16 March 2011), Rules 49, 52 [*Bangkok Rules*]; UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)* 2015, A/C.3/70/L.3, Rule 29 [*Mandela Rules*].

13 CD 768, paras 17-18, 24-28, Annex B.

What can I do if my application is not approved?

If the warden decides not to approve your application for the Mother-Child Program, you can file a national level grievance.¹⁴ Contact Prisoners' Legal Services if you need help.

Even if your grievance is not successful, you may be able to apply for the program again in the future. Your decision from the warden should say when you will be able to apply for the program again.¹⁵

What happens next if my application is approved?

If you are approved to participate in the Mother-Child Program, the Mother-Child Coordinator will meet with you and help you fill out some forms. One of these forms is the Mother-Child Program Contingency Plan (the Contingency Plan) which is to create a plan for where your child will go if there is an emergency or they need to be removed from the institution.¹⁶

The Mother-Child Coordinator should make sure that you can get forms that you need for your child, such as for birth certificates, provincial ID, health cards and child tax benefits.

You might be eligible to receive the child tax benefit while in prison to assist you in meeting the needs of your child, such as formula and diapers. You will want to apply as soon as you can

14 CCRR, s 75(b).

15 CD 768, para 26.

16 CD 768, paras 29-30, definitions.

because it takes 3 months for the government to send the first payment.¹⁷

If CSC is deducting part of your inmate pay or other income for food and accommodation, you can apply to the warden to waive that deduction so that you can meet your child's needs.¹⁸

The Mother-Child Coordinator should also help you connect with people outside so that you can meet your parental and legal obligations. This might include family, child welfare agencies, lawyers and family court.

If my child comes to live with me, how will it all work?

Your child's status in the prison

Your child is never to be treated as a prisoner.¹⁹ Their best interests as a child is always the most important consideration.

Parenting skills and programs

You should have a parenting skills program available to you. You and any inmate babysitters will need to complete this program as well as a recognized first aid course.

17 CD 768, para 3(g), 59.

18 Correctional Service Canada, "Commissioner's Directive 860: Offender's Money", paras 2, 15 [CD 860].

19 *Bangkok Rules*, Rule 49.

If you are Indigenous and want to work with an Elder, the Elder may provide you with spiritual support, and guidance and cultural awareness on parenting practices.

Monitoring and Support

The Mother-Child Coordinator will meet with you at least once every 30 days to talk about how you are doing in the program and give you support.²⁰ Primary workers will write down information about your participation in the parts of the program, and the Mother-Child Coordinator will talk with staff when appropriate.²¹

Staff in the institution should not intrude or intervene in your parenting unless your child may be at risk of abuse or neglect. They will monitor the dynamics in your living unit. If they suspect that your child is being abused or neglected, or that you are breaching the Mother-Child Program Residential Agreement, they must report it. They also must remove your child from any area where your child's safety might be at risk.²²

Babysitters

Other prisoners can apply to be approved by the warden to babysit your child. A prisoner can only be approved as a babysitter for your child if:

- you want them to babysit your child;
- they are classified as minimum or medium security and do not live in the Structured Living Environment;

20 CD 768, para 31.

21 CD 768, paras 11, 31.

22 CD 768, para 12.

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- they have not been convicted of an offence against a child or an offence which could reasonably be seen as endangering a child; and
 - they have been screened against provincial child welfare registries.

They must finish a parenting skills program and a child first aid course before babysitting.²³

Other people who might come into contact with your child

Other prisoners must be screened and approved before they are allowed to live in your living unit while your child is living there.²⁴ They might need to be screened by the Ministry as well.

Similarly, volunteers and individuals paid to help with any part of the program must be screened to check if there is any information that they could pose a risk to your child.²⁵

Health care

Your child's health care will take place outside the institution unless there is an emergency. You need to consent to any health care given to your child.

The Mother-Child Coordinator will help you to locate health care providers for your child. It is your responsibility to schedule the appointments and to go with your child to their appointments. If you cannot go with them, then they need to be accompanied by

23 CD 768, para 15.

24 D 768, para 16.

25 CD 768, pare 66.

their caregiver in the community, other community supports, or volunteers.

You need to fill out the Mother-Child Program Health Care Checklist form every year.

If your child has a medical emergency, any staff or contractor who is certified in first aid and CPR should respond to help them.²⁶

Personal effects and spending limits

The Mother-Child Coordinator should help you buy items that you need to care for your child, including food, supplies, and equipment and materials that are appropriate to their age.²⁷

If you need to go over your \$750 spending limit for the year in order to buy something to care for your child, or to buy things for a visit with your child in the private family visit units, you can make a request to the warden.²⁸

Canteen purchases that you make for your child will be included in your total canteen purchases and limits.²⁹

Your child's personal effects will be considered separate from yours. Apart from furniture, your child is not allowed to have more than \$750 worth of personal property in the institution.³⁰ Your child is allowed to receive gifts from outside the institution, as long as

26 CD 768, paras 52-55.

27 CD 768, para 3(g).

28 CD 768, para 57; CD 860, para 30.

29 CD 768, para 59; see CD 860.

30 CD 768, para 56.

they are things that are specifically for your child, such as clothes and toys.³¹

Ideally, you will have a crib for your baby to sleep in next to your bed so that you can hold and care for your baby at all times. If your room is too small to fit a crib, you might have a small adjoining room for your baby's crib. You should also check if the institution has toys, books and play areas for your child, and whether they are child safety-proofed.³²

Searches

Any search of your child must be non-intrusive, such as a metal detector search of them with all their clothes on, and a search of personal possessions and clothing that they are able to remove, such as a jacket. Officers are not allowed to strip search your child or use their hands to frisk search your child.³³

Emergencies

In an emergency, the warden or Correctional Manager in charge of the institution can allow staff to care for your child until the inmate babysitter or alternate caregiver is available. No staff member is ever allowed to take your child home with them.³⁴

31 CD 768, para 58.

32 The Collaborating Centre for Prison Health and Education, *Guidelines for the Implementation of Mother-Child Units in Canadian Correctional Facilities* (August 2015) [CCPHE Guidelines].

33 CD 768, paras 60-63; Correctional Service Canada, "Commissioner's Directive 566-8: Searches of Staff and Visitors" (2 July 2015), paras 25-28.

34 CD 768, paras 48-49.

Disciplinary offences

If you are found guilty of a disciplinary offence, you should not be placed in segregation as a punishment if you are pregnant, have a baby, or are breastfeeding. You also should not be denied contact with your child as punishment.³⁵

If you cannot look after your child

If something happens to you such that you cannot make a decision for your child, the alternate caregiver named in the Contingency Plan will be contacted to look after your child. If the staff cannot get hold of that person, they will contact MCFD.³⁶

Situations putting my child at risk

If any situation arises that puts the safety of your child at risk, the warden can immediately suspend your participation in the program. See more information on that in the next section.

If your child's primary caregiver is going to change

If your child is staying with you full-time but is going to be moving to live with another primary caregiver in the community, your IPO and the Mother-Child Coordinator should help you make a transition plan for your child. For example, a transition plan will be needed before your child turns 5, because they will then only be able to live with you part-time. A transition plan for your child

35 *Bangkok Rules*, Rule 23.

36 CD 768, para 50.

would also be needed if you are going to be released but your child is not going to live with you in the community.³⁷ The transition plan should be started long before your child will leave and should be carried out gradually.

Planning for your release

In pre-release planning, you can apply to have your child stay with you in a community-based residential facility.³⁸

What if my participation in the program is suspended or terminated?

If your participation in the program is suspended, your child will go to stay with the person outside of the institution who is identified in the Contingency Plan, and MCFD will be informed.³⁹

Your IPO will complete an A4D within **5 working days** of your suspension that will recommend whether you should be allowed to continue in the Mother-Child Program, whether your participation in the program should be terminated, or whether the suspension should continue until certain conditions are met. If the suspension is to continue, your child will continue to stay outside the institution with the person named in the Contingency Plan until the suspension is over.

37 CD 768, para 32.

38 Correctional Service Canada, "Commissioner's Directive 715-4: Case Preparation and Supervision of Women Offenders With Children Residing at a Community-Based Residential Facility"; CD 768, para 33.

39 CD 768, paras 35-36.

You must be given a copy of the A4D.⁴⁰

If you are not happy with the recommendation in the A4D, you have **2 working days** from when you received the A4D **to submit a rebuttal** (in person or in writing) to the warden. You should also ask your IPO to give a copy of your rebuttal to the Mother-Child Program Review Board.⁴¹ If you need more time to prepare your rebuttal, you can ask the warden to give you an extension of up to 30 working days.⁴² If you need help with a rebuttal, contact Prisoners' Legal Services.

Your IPO will give the A4D and your rebuttal to the Mother-Child Program Review Board, who will make a recommendation to the warden within 5 working days.⁴³

The warden will then decide whether to allow you to continue in the program, terminate your participation in the program, or continue your suspension until conditions are met.⁴⁴

Your IPO must give you a copy of the warden's decision within 5 working days of the decision.⁴⁵

If you are unhappy with the decision, you can submit a national level grievance.⁴⁶

40 CD 768, para 37.

41 CD 768, para 38.

42 CD 768, para 17.

43 CD 768, para 38.

44 CD 768, para 39.

45 CD 768, para 40.

46 CD 768, para 18; CCRR, s 75(b).

If the warden terminates your participation in the program, you can reapply in the future. The warden’s decision should state what conditions you need to meet before re-applying. Once you meet these conditions, you can fill out the Mother-Child Program Residential Application form. MCFD will need to support your current application for it to be approved.⁴⁷

How can I have a relationship with my child if they do not live with me in prison?

Visits, recording stories, and sending breast milk to your baby

The Mother-Child Program can also help you to maintain a relationship with your child who is not living with you in custody. Talk to your IPO about ways that you can maintain a relationship with your child through temporary absences, private family visits, or recording stories for your child.

If you are breast feeding, you should be able to pump and store your breast milk and arrange for CSC or the Ministry to send it to your baby in the community.⁴⁸ If the Ministry requires drug testing before they will send your breast milk to your baby, CSC should give you the drug testing.

Child Link

The Child Link video visitation program allows you to have video conversations with your child in the community.⁴⁹ Your child is

47 CD 768, paras 41-42.

48 CD 768, para 64.

49 CD 768, para 65.

eligible to participate in Child Link if they are under 19 years old and are approved for visits.⁵⁰ If your child is 19 years or older, you can request that they be approved to participate in Child Link.

Private Family Visits

Even if you are not approved for the residential program to have your child live with you on a part-time or full-time basis, you can apply for a private family visit with your child in the private family visit unit. In this case, your child will need to be accompanied by an adult from outside the institution for the visit.⁵¹

You are eligible for private family visits if:

- you are not at risk for family violence;
- you are not participating in unescorted temporary absences for family contact; and
- you are not in a Special Handling Unit or recommended for transfer to one.⁵²

Private family visits are typically allowed for up to 3 days every 2 months.

50 GL 768-1, para 4.

51 Correctional Service Canada, “Commissioner’s Directive 710-8: Private Family Visits” (11 October 2016), para 13 [CD 710-8].

52 CD 710-8, para 9.

What should I know about being pregnant in prison?

If you are pregnant in custody, you should not be placed in administrative segregation unless there are exceptional circumstances.⁵³ You should also not be physically restrained unless it is absolutely necessary and there are no other options. If you must be restrained, extreme caution must be used and escorting officers should contact a doctor to decide on the safest restraint option.⁵⁴

Health Services should make arrangements for you to give birth at a hospital outside of the prison.⁵⁵ You must not be restrained while giving birth.⁵⁶

According to international standards:

- You should be offered pre-natal classes and parenting programs, either in the institution or in the community.⁵⁷
- You should receive health care and treatment as required both during pregnancy and after birth, including advice on your health and diet for pregnancy and breastfeeding.⁵⁸

53 Correctional Service Canada, “Commissioner’s Directive 709: Administrative Segregation” (1 August 2017), para 22.

54 Correctional Service Canada, “Commissioner’s Directive 567-3: Use of Restraint Equipment for Security Purposes” (26 February 2018), paras 14-17 [CD 567-3].

55 Correctional Service Canada, “Commissioner’s Directive 800: Health Services” (27 April 2015), para 20.

56 CD 567-3, para 16.

57 *Bangkok Rules*, Rule 42.

58 *Bangkok Rules*, Rule 48; United Nations, *Standard Minimum*

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- Your special nutritional needs and need for regular exercise should be provided for both during pregnancy and after birth.⁵⁹
 - You should not be discouraged from breastfeeding your child, unless there are health reasons not to breastfeed.⁶⁰
 - You must not be placed in segregation as punishment for a disciplinary offence while you are pregnant or breastfeeding.⁶¹ Your child must never be placed in segregation.⁶²
 - Prison health services should provide you with drug treatment programs that take into account your special needs as a pregnant woman or a woman with children.⁶³

You might wish to identify a support person (a friend, family member or doula) and ask permission for them to be with you during labour and delivery. You might also want to request that when you go to the hospital, correctional staff not be in the delivery room.⁶⁴ In some cases, a doula might be made available to you for pre-birth preparation and the birthing process. If you are

Rules for the Treatment of Prisoners, 30 August 1955, Rule 23 [Standard Minimum Rules].

59 *Bangkok Rules*, Rule 48; *Standard Minimum Rules*, Rule 23.

60 *Bangkok Rules*, Rule 48.

61 *Bangkok Rules*, Rule 22.

62 UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (Res 45/113, 14 December 1990), Rule 67.

63 *Bangkok Rules*, Rule 62.

64 CCPHE Guidelines.

Indigenous, ask the mother-child coordinator to help you apply for a free doula.⁶⁵

You are allowed to take paid maternity leave from programs and work starting before your baby is born. During your leave, you should be paid the same amount that you were being paid before starting the leave.⁶⁶

You can contact Prisoners' Legal Services for help if you are pregnant in custody.

Prisoners' Legal Services

If you are in prison in British Columbia, you can contact Prisoners' Legal Services for advice or assistance with issues that affect your liberty (such as segregation, disciplinary charges or parole hearings) or about health care or human rights issues, including the Mother-Child Program.

For assistance from Prisoners' Legal Services, you must have a referral from the Legal Services Society. Contact their call centre at 1-888-839-8889. Once you have a referral, you can call Prisoners' Legal Services directly at 1-866-577-5245.

Prisoners' Legal Services phones are open Monday to Friday from 9:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:00 p.m.

65 BC Association of Friendship Centres, Doulas for Aboriginal Families support program (accessed Nov 2018), online: <<http://www.bcaafc.com/index.php/initiatives/doula-support-program>>.

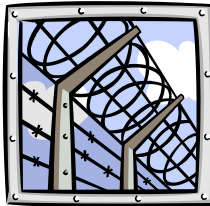
66 Correctional Service of Canada, "Commissioner's Directive 730: Offender Program Assignments and Inmate Payments" (22 August 2016) at paras 66-69.

Other Resources for mothers and children

The Representative for Children and Youth

1-800-476-3933

This publication contains general information only. Each situation is unique. Law and policy can also change. If you have a legal problem, contact Prisoners' Legal Services or a lawyer.



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