



# **MOTHER-CHILD PROGRAM**

**in British Columbia provincial prisons**

**This booklet tells you how to apply to have your baby or child with you while in provincial custody. It also tells you what you can do if you are not accepted, how the program works if you are accepted, and useful information about being pregnant in prison.**

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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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup> It is recommended that you feed your baby only breast milk until six months, and continue to breastfeed up to age two or older.<sup>4</sup>

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1 *Child, Family and Community Service Act*, RSBC 1996, c 46, ss 2-4 [CFCS Act]; *Canadian Charter of Rights and Freedoms*, ss 7, 15; *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; ACCW, SOP: Mother-Child Program – Unit Program (12 Jun2 014) at 1.01.

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

3 *Inglis* at para 328.

4 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>; Alouette Correctional Centre for Women, *ACCW-MCU Program: Participant Guide* (revised: June 2017, Word doc

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Breastfeeding is good for your baby’s physical and psychological development. It is also good for your physical and mental health.<sup>5</sup>

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.<sup>6</sup>

## What is the Mother-Child Program?

BC Corrections has a Mother-Child Program, made up of services and supports such as prenatal care, parenting programs and community resources to help you build a strong relationship with your child.<sup>7</sup>

It is designed for women who give birth while in custody. Mothers with children living in the community can also apply. If you are denied, you can contact PLS for help challenging that decision.

The information in this booklet is based on how the program runs at Alouette Correctional Centre for Women (ACCW) in Maple Ridge, BC.

If you are at **Prince George** Regional Correctional Centre, begin by speaking to staff about your options. You might be able to apply

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version) at 11 [ACCW-MCU Program Guide].

5 *Inglis* at para 330.

6 *Inglis* at paras 332-335.

7 Ministry of Public Safety and Solicitor General, *Adult Custody Policy* (updated 2018-06-01), c 9.24.1 [Adult Custody Policy]; ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.02.

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for the mother-child program at ACCW and get a transfer. Start this process as early as you can. If you need help with this, you can contact Prisoners' Legal Services.

The program allows your child to live with you in the Mother-Child Unit at ACCW for up to 2 years, while you continue to access work and programming activities as outlined in your case plan. You can also request to participate beyond 2 years.<sup>8</sup>

For more detailed information, ask staff to give you a copy of ACCW's *Mother-Child Program Participant Guide*. If you need help completing the form or understanding it, you have the right to ask a staff person for help to complete it. You can also call PLS for help.

## **Can my child come live with me in prison?**

You can apply to have your baby live with you in custody if you are classified as medium security and you are likely to give birth while in custody. You can be either on remand or sentenced.<sup>9</sup>

Normally, you can't be in the program if you have a court order stopping you from contacting your other children, if child welfare authorities are filing to remove your parental rights, or if you have a documented history of any of the following:

- sexual offending;
- crimes against children or vulnerable persons;

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8 ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.01; Adult Custody Policy, c 9.24.1(4).

9 ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.05.

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- arson;
  - stalking involving a minor or vulnerable person;
  - kidnapping or forcible confinement involving a minor or vulnerable person;
  - abusing a child or vulnerable person;
  - committing incest; or
  - any other serious offense that has jeopardized the safety of a child or vulnerable person.<sup>10</sup>

But the warden or their designate can always make an exception. If you think your child will be safe and it is in their best interests to live with you, you can ask the warden for an exception and explain your reasons.<sup>11</sup>

**The main consideration in decisions about your participation in the program is always the best interests of your child and other children living on the Mother-Child Unit.<sup>12</sup>**

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10 ACCW-MCU Program Guide at 7; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.05..

11 ACCW-MCU Program Guide at 7; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.05.

12 ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.01.

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## How do I apply?

To apply, you need to fill out the ***Mother-Child Program: Program Application***.<sup>13</sup> It is best to apply as soon as possible as the process can take time.

In addition to general information about you and your pregnancy, the application asks for information about your release plans and why you think you should be accepted into the Mother-Child Program. You should give a clear plan and reasons to show that living with you is in the best interests of your baby.

**The most important thing is to show that it is in the best interests of your child to live with you.** Explain all the reasons that it is in your child's best interests to live with you and maintain their relationship with you. If your child is old enough, their views on who they want to live with are important as well.<sup>14</sup>

In your plan, you should address how you will:

- Ensure your child is safe, healthy, and happy.
- Ensure your child has a good relationship with you. You can talk about how important it is for them to maintain that relationship. You might also need to address their relationship with their other parent.
- Safeguard and protect your child from being hurt or abused, including emotional harm caused by yelling or unpredictable events by people around the child.

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13 ACCW-MCU Program Guide at 6.

14 *Child, Family and Community Service Act*, [RSBC] 1996, c 46, s 4 [CFCS Act].

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- Preserve your child’s cultural, racial, linguistic and religious heritage. If you or your child’s father is **Indigenous**, it is important to preserve your child’s cultural identity. As your child develops, their connection to family and community will be important for their sense of self as an Indigenous person. You should consider how you can help your child develop a sense of their identity as they begin to explore the world as a toddler.
  - Ensure your child gets proper medical attention whenever needed.
  - Give your child the help they need to succeed.
  - Do your best to provide for your child as they grow with healthy food, clean clothes, play and a happy home-like environment.
  - Give your child a chance to play with other children, and to know their family.
  - Ensure your child’s continuity of care. This means they change caregivers as little as possible.
  - Seek help or advice for yourself or your child when needed.

**In your plan, you could talk about how participating in the program will improve your wellbeing and your child’s wellbeing.**

This section is about how you will ensure you are the best mom you can be. You might want to point out that you are committed to following the rules and taking part in all parts of the program so that your baby can benefit from the program and be safe and

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healthy. You could include what you most hope to gain from the program, such as:

- a healthy attachment with your child;
- meeting your child’s nutritional needs;
- a safe and nurturing environment for your child;
- breastfeeding support so that you can provide your baby with the benefits of breastfeeding;
- parenting programs and education to help you understand your child’s developmental needs and improve your parenting skills;
- supports to provide tools and resources to establish and build the mother-child relationship;
- successful re-integration into the community with your child;
- release planning and building community connections for supports such as the child tax benefit, employment and job skills, health services, housing programs and child minding; and
- programs and opportunities for you to acquire life skills and supports.<sup>15</sup>

**You should also explain your plan to continue meeting the needs and best interests of your child after release.**

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15 ACCW-MCU Program Guide at 4-5.



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## Preparing for your interview

You will have an interview with a review committee at ACCW and the best interests of your child will be assessed by MCFD or the delegated Indigenous agency.

To prepare for your interview and any meetings with MCFD or the delegated Indigenous agency, it would be a good idea to read the *Mother Child Program Participant Guide* so that you know what the program has to offer. It would also be a good idea to think about issues like what programs you would like to be involved in, how you plan to manage stress so that you can be the best parent you can be, how you plan to manage your time and build a healthy attachment with your child, how you plan to manage their nutritional and healthcare needs, if and how their other parent would be involved, and how you will prepare for a successful release back into the community with your child.

## What happens after I apply?

Staff must try to process your application before you give birth or as soon as possible.<sup>16</sup>

After you apply, the case management coordinator will meet with you to find out if you are eligible for the program. If you are eligible, they will contact the health care manager and mental health professional to find out if there are any medical or mental health concerns that could put your child or other children in the program at risk.

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16 ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.01; *CFCS Act*, s 4.

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If there are child custody concerns, they need to be addressed. The Ministry of Child and Family Development (MCFD) or a Delegated Indigenous child and family services agency will be involved.

A review committee will review your application and interview you.<sup>17</sup> They might also talk with other people who might have relevant information about you. They will then make a decision and tell the deputy warden of programs whether they recommend you for the program. The deputy warden will decide whether you are approved for the program. **This is not the final decision.**<sup>18</sup>

**If the deputy warden approves you for the program, the final decision will be confirmed after your baby is born if:**

1. MCFD supports your baby coming to live with you (after your baby is born); and
2. Your child is medically stable.<sup>19</sup>

The policy does not say how long it will take MCFD to make this decision after your baby is born. **To avoid being separated from your baby, you should get the help of Prisoners' Legal Services or another lawyer while you are pregnant.** See PLS' phone

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17 The review committee is made up of at least 3 people – the assistant deputy warden of the sentence management unit, your case management coordinator and the healthcare manager or designate. It might include up to 2 other people.

18 ACCW-MCU Program Guide at 7-8, Appendix A; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.08.

19 ACCW-MCU Program Guide at 8, 10; ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.01.

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number at the end of this booklet. You might also ask the doctor at the hospital to keep you in hospital until approval is complete.

**If MCFD denies your involvement in the program,** you can also call the Representative for Children and Youth. Their job is to advocate for your child. It is your child's right to be placed with family as the first priority.

## **What can I do if my application is not approved?**

You have a right to ask why your application was turned down and to be given the reason in writing. If you believe there is more information you can give or changes you can make to improve the plan and change the decision, you have a right to have that additional information considered.

You must appeal to the warden within 14 days of the decision.<sup>20</sup>

You can also file a complaint with the Investigation and Standards Office, a judicial review at the BC Supreme Court, and/or a human rights complaint with the BC Human Rights Tribunal. Each of these bodies considers different things. They also have different deadlines.

Contact Prisoners' Legal Services right away if you would like help.

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<sup>20</sup> ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.11.

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Here are some principles you can rely on:

- MCFD should provide you with counseling, parenting support, respite care, parenting programs, and services for your child if those things would help you to provide a safe and nurturing environment so that your child can live with you.<sup>21</sup>
- Staff are required to make a decision that prioritizes the best interests of your child above all else. They are not allowed to stop or restrict you from being with your child except where they have made the decision fairly and with good reason. They are also not allowed to make decisions that cause you to be treated worse than other prisoners because of things like your gender, sexual orientation, race, religion, marital status, or disability.<sup>22</sup>
- **If you are Indigenous**, staff have a duty to consider the disadvantages and discrimination you have faced as an Indigenous person when making decisions about you. They must consider options that are culturally appropriate for you and make decisions that respond to your unique circumstances as an Indigenous person.<sup>23</sup>

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21 *CFCs Act*, s 5.

22 See footnote 1; Also *Human Rights Code*, RSBC 1996, c 210, s 8; *Inglis* at paras 8-16, 348, 354-355, 360-361, 368, 371, 412, 494, 501, 614, 655-657.

23 *R v Gladue*, [1999] 1 SCR 688 at paras 65, 67-69; *Ewert v Canada*, 2018 SCC 30 at paras 57-58; *Twins v Canada (Attorney General)*, 2016 FC 537 at para 64; *R v Ipeelee*, 2012 SCC 13 at paras 69, 83; *Frontenac Ventures Corporation v Ardoch Algonquin First Nation*, 2008 ONCA 534 at paras 56-57, leave to appeal refused [2008] SCCA No 357; *R v Sim*, 2005 CanLII 37586 (ONCA) at para 16; *Re Alexis*, [2003] BCRBD No 1 at para 80.

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Even if you are not successful, you might be able to apply for the program again in the future.

## What happens next if my application is approved?

If you are approved by the deputy warden to participate in the Mother-Child Program, you will be asked to do the following:

- Sign the *Participant Agreement*, which includes your agreement to accept full responsibility of your child, to take parenting programs, to follow the protocol for disciplining your child, to follow the health care protocol for your child, to follow certain behavioural expectations, not to possess or consume alcohol or drugs, and other agreements about things like the collection of your child’s information and emergency procedures.<sup>24</sup>
- Provide two emergency community contacts (called “**Alternative Community Caregivers**”) who can care for your child when you cannot. They must be able to pick up your child within 24 hours if called by ACCW. To be approved, they cannot have been convicted of any offense against a child and must have transportation and a car seat for your baby. If you do not have an emergency contact or if the emergency contact is not available when an alternative caregiver is needed, your child might go into foster care.

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- **Sign the required consent forms** and the Digital Camera expectations form.<sup>25</sup>

As a new participant, you will be expected to do the following:

- **Follow all the rules** of the program. These include things like keeping all rooms clean and neat, keeping children's items such as toys out of the day room area, placing your child safely in a car seat during transportation, following safe sleeping practices for your child, keeping small objects that could be choking hazards away from your baby, and supervising your child at all times.
- **Engage in regular case management.** You will receive enhanced case management, which includes weekly contact with case management, help connecting with outside agencies such as MCFD, and regular contact between case management and outside agencies about you.
- **Complete parenting programs** such as first aid and infant CPR before your baby is born.
- **Complete other programs** as outlined in your case management plan.<sup>26</sup>

You will be asked to give your consent for ACCW to give MCFD or a delegated Indigenous child and family services agency information about you and your child in order to plan and coordinate MCFD support services. Even without your consent,

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25 ACCW-MCU Program Guide at 6, 9, Appendix B: Participant Agreement.

26 ACCW-MCU Program Guide at 9, 15, Appendix B: Participant Agreement; Appendix F: Child Car Seat Usage Guide; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.02.

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MCFD would still be involved to some degree to ensure the safety of your child. For example, if staff suspect or observe neglect or abuse, they will contact MCFD or the delegated Indigenous agency.<sup>27</sup>

## **What happens when my baby is born?**

When you tell staff that you are experiencing labour, they will call for an ambulance to take you to the hospital. They must also call MCFD or the delegated Indigenous agency as soon as possible.<sup>28</sup>

Once your baby is born, MCFD or the delegated Indigenous agency assesses your baby's release plan.

**If you were not approved for the Mother-Child Program by BC Corrections**, MCFD or the delegated Indigenous agency will assess your baby's other release plan and your baby will be given to the intended caregiver. You should be provided with counselling and support.<sup>29</sup>

**If BC Corrections approved you for the Mother-Child Program**, MCFD or the Delegated Indigenous agency will assess that option. If they approve your baby for the Mother-Child

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27 ACCW-MCU Program Guide at 6, Appendix D: Consent for Disclosure under Freedom of Information and Protection of Privacy Act: MCFD/DAA Consent; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.07; ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.05; Adult Custody Policy, c 9.24.2(3).

28 Adult Custody Policy, c 9.24.4(4).

29 Adult Custody Policy, c 9.24.5.

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Program, your baby will come back with you to ACCW to live with you on the Mother-Child Unit.<sup>30</sup>

In some cases, children are taken from their mothers at the hospital.

**To protect the rights of your unborn baby, we recommend contacting Prisoners' Legal Services or another lawyer during your pregnancy to support you in the process.**

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

### **Your child's status**

Your child is never to be treated as a prisoner.<sup>31</sup> The best interests of your child is always the most important consideration in any decision that will affect them.

### **Food, clothing, and supplies**

Infant formula, food items, clothing, a crib, a breast pump and other necessary supplies are provided by ACCW.<sup>32</sup> You can also buy additional items that are necessary for your child's care each week as long as you have enough money in your Trust Account

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30 Adult Custody Policy, c 9.24.5.

31 *Bangkok Rules*, Rule 49.

32 ACCW-MCU Program Guide at 12; SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.06.



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and the items are on the approved child supply and clothing list and appropriate for your child's age.<sup>33</sup>

If somebody in the community wants to send you a gift, the items have to be on the approved list or be approved in advance by the assistant deputy warden of programs. Food and perishable items are not allowed.<sup>34</sup>

### **Where your baby will sleep, play and eat**

The Mother-Child Unit is located on the medium security site at ACCW. It has 4 rooms for mothers and their babies, and 5 rooms with beds for respite workers and other prisoners. Other prisoners can only live in the Mother-Child Unit if they are classified as medium security and have been screened and approved.<sup>35</sup>

Your baby sleeps in their crib in your room so that you can ensure that they are safe, and hold and care for them at all times. You are allowed to pull the crib up to your bed, but your baby is not allowed to sleep in your bed. There are other safe-sleeping rules. You are not allowed to leave your child unattended in your room unless your baby is sleeping and you are using a baby monitor.<sup>36</sup>

The Mother-Child Unit also has a playroom, child bath area, laundry facilities, and a small kitchen for preparing food for your

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33 ACCW-MCU Program Guide at 12, Appendix E: Approved Items.

34 ACCW-MCU Program Guide at 12-13.

35 ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.04.

36 ACCW-MCU Program Guide at 14-15.

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baby.<sup>37</sup> Baby food, medicine, and pumped breast milk is labeled and stored in the fridge in the Mother-Child Unit staff office.<sup>38</sup>

You and your child are allowed in all outdoor areas permitted by medium custody prisoners, but your child is not allowed in the programs building during regular program or recreational times. Exceptions can be made for special events.<sup>39</sup>

### **Maternity leave**

You can apply for up to 6 months leave from work programs after your baby is born so that you can recover, get to know your baby, establish breastfeeding, and settle into your new routines. ACCW must give you maternity leave if you want it. Normally, you start with some time to adjust to parenting and breastfeeding and then start programs related to parenting and child development. After that, you do regular educational and recreational programs, and eventually return to work programs. The timelines are determined with the case management coordinator. You can return to work programs earlier if you want to.<sup>40</sup>

### **Parenting skills and programs**

You should have parenting skills programs available to you. Work with your case workers to include them in your case plan. If you are concerned about your child's health, development, or how

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37 ACCW-MCU Program Guide at 3.

38 ACCW-MCU Program Guide at 11; ACCW, SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.06.

39 ACCW-MCU Program Guide at 15.

40 ACCW-MCU Program Guide at 10; ACCW, SOP: Mother-Child Program – Maternity Leave (12 Jun 2014) at 1.01-02.

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you can support them better, you can contact the parenting skills program staff.

If you are Indigenous, you can submit a request to work with a Native Liaison or Elder. They can provide you with spiritual support and guidance as well as cultural awareness on parenting practices.

### **Suspected abuse or neglect**

If staff believe that your child needs protection, they will report it to MCFD or the Delegated Indigenous agency. This could include observed or suspected abuse, neglect, depriving your child of necessary health care, or being unable to care for your child.<sup>41</sup>

### **Childcare**

Respite workers are prisoner babysitters who can look after your child when you are working or attending correctional programs, or when you cannot take care of your child for some other reason. Respite workers do not babysit while you attend recreational activities. Normally respite workers cannot care for your child for longer than 24 hours.<sup>42</sup>

Respite workers may live in the Mother-Child Unit or on another unit in the medium site. It is a paid position and they are

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41 ACCW-MCU Program Guide at 16, Appendix I; *CFCS Act*, ss 13-14; ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.05.

42 ACCW-MCU Program Guide at 16; ACCW, SOP: Mother-Child Program – Respite Workers (12 Jun 2014) at 1.01-08; ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.01.

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sometimes given work other than babysitting.<sup>43</sup> Prisoners with convictions of injury, assault or harm relating to a victim under the age of 18, or certain other offenses, are not allowed to be respite workers.<sup>44</sup>

You are allowed to participate in choosing who will look after your child from the list of screened and trained respite workers.<sup>45</sup>

### **Emergencies or situations when you cannot care for your child**

If something happens so that you cannot care for your child (whether planned or in an emergency), staff will contact one of the people you named as an Alternative Community Caregiver to look after your child. They might be asked to pick up your child within 4 hours, but the deputy warden can extend this timeframe. If you have not provided emergency contacts, or if the people you named cannot pick up your child within 24 hours, your child might go into foster care.<sup>46</sup>

### **Health care**

Health care can only be provided to your child with your consent. You are responsible for your child's healthcare.<sup>47</sup> ACCW health

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43 ACCW-MCU Program Guide at 15-17.

44 ACCW-MCU Program Guide at 16-17; ACCW, SOP: Mother-Child Program – Respite Workers (12 Jun 2014) at 1.02.

45 ACCW-MCU Program Guide at 16-17.

46 ACCW-MCU Program Guide at 9, Appendix B: Participant Agreement; ACCW, SOP: Mother-Child Program – Alternate Child Care (19 Jan 2015) at 1.04.

47 ACCW-MCU Program Guide at 10.

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care services will collect your baby’s medical information and will share this information with health care providers when needed.<sup>48</sup>

Normally, your child’s health care is provided by community providers. Their appointments should take place in the community where possible and you go with them to appointments. You can ask the warden for approval to go with your child in plain clothes and without restraints, and for the escort staff to be in plain clothing as well.<sup>49</sup>

If your child has a medical emergency, medical care can be provided by ACCW health care or community emergency services.<sup>50</sup>

You are required to inform staff right away if your child is injured or ill.<sup>51</sup> ACCW healthcare services can provide day-to-day assistance if you are ever concerned about whether your child is well or needs medical attention.<sup>52</sup>

If your child needs medication, staff will store the medicine and supervise you giving it to your child.<sup>53</sup>

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48 ACCW-MCU Program Guide at Appendix B: Participant Agreement – Collection, Use and Disclosure of my Child’s Personal Information under FOIPPA.

49 ACCW-MCU Program Guide at 10-11; SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.01-03, 1.11; Adult Custody Policy, cc 1.7.2, 27.

50 ACCW, SOP: Mother-Child Program – Serious Injury or Death of a Child (12 Jun 2014) at 1.02.

51 ACCW-MCU Program Guide, Appendix B: Participant Agreement – Healthcare Protocol.

52 ACCW-MCU Program Guide at 10-11.

53 ACCW-MCU Program Guide at 12; SOP: Mother-Child Program –

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If your child is in the hospital, the deputy warden of programs must allow you to have regular contact with your child wherever possible. Under normal circumstances, you should be allowed to stay with your child the whole time they are in the hospital. If for some reason you cannot be with them, the deputy warden of programs should approve transportation of your breast milk to the hospital.<sup>54</sup>

## Visits

You can have open visits in the family room with immediate family members and people that have been approved and identified as good community supports. There is a list of approved items that you are allowed to bring with you to the family visiting area.<sup>55</sup>

## Searches of your child

When you sign the *Participant Agreement*, you agree that staff can conduct a non-intrusive search of your child when they are entering or leaving ACCW, or if they have reason to suspect that someone is using your child to carry contraband.

If a staff member has reason to believe that contraband may have been placed on your child during a contact visit, you will be asked to change their clothing and diaper in the presence of a staff member.<sup>56</sup>

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Child Health Care Services (13 May 2014) at 1.07.

54 SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.06, 1.12.

55 ACCW-MCU Program Guide at 10, Appendix E: Approved Items.

56 ACCW-MCU Program Guide at 16.

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**Your child can only be searched with your consent** and you must be allowed to be present during the search if you are available. If you refuse to give your consent for the search or if contraband is found on your child, you could be removed from the program.<sup>57</sup>

### **Disciplinary offences**

If you break a rule, the normal disciplinary procedures apply. 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.<sup>58</sup>

### **Case planning**

The correctional officers assigned to work on the Mother-Child Unit are the primary case managers for participants in the Mother-Child Program. They should be flexible, calm, mindful, patient, and understanding. They should also understand the unique environment in the Unit and understand that your child's safety is your or the respite worker's responsibility. Case planning should take into account your parenting, Indigenous identity and heritage (if applicable), spirituality, health and well-being, family, recreation, and criminogenic needs.<sup>59</sup>

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57 ACCW-MCU Program Guide, Appendix B: Participant Agreement – Search of my child.

58 *Bangkok Rules*, Rules 22-23; ACCW-MCU Program Guide at 14.

59 ACCW, SOP: Mother-Child Program – Unit Program (12 Jun 2014) at 1.06.

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## Planning for your release

You will work with your case manager to prepare your release plan. If you are going to a court date and you might be released at court, you need to prepare a clear release plan and make arrangements in advance for the care of your children. ACCW will only release your child to a legal guardian.<sup>60</sup>

## What if I get a federal sentence?

If you are expecting to receive a federal sentence, the case management coordinator must contact Fraser Valley Institution as soon as possible to discuss your case. Your options include:

- Applying for the Mother-Child Program at Fraser Valley Institution;
- Requesting a transfer to remain at ACCW; or
- Arranging for alternate custody of your child.<sup>61</sup>

## Can I be removed from the program?

Yes, under certain circumstances. If you need help, contact Prisoners' Legal Services. The phone number is at the end of this booklet.

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60 ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.16-17.

61 ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.18.



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You should only be removed from the program if there is a serious concern about the health and safety of your child or other children in the program, or there are security issues that threaten the operation of the program or centre.<sup>62</sup> The primary consideration should always be the best interests of your child and other children in the program.

The following things might trigger a review of your participation in the program:

- Not following the rules in the ACCW Inmate Handbook or the rules of the Mother-Child Unit.
- You are found intoxicated or under the influence of an unknown substance.
- Drugs or contraband are found on your child or in your room or its contents.
- Your child's safety or wellbeing is in question.
- You are behaving in a manner that is not conducive to the Mother-Child Unit environment.<sup>63</sup>

Only medically stable children are allowed to remain in the program.<sup>64</sup>

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62 ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.12.

63 ACCW-MCU Program Guide at 13-14, 17, Appendix B: Participant Agreement; ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.14.

64 ACCW-MCU Program Guide at 10; ACCW, SOP: Mother-Child Program – Child Health Care Services (13 May 2014) at 1.01.

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If something happens that could put the safety of your child at risk, or there are concerns about abuse or neglect, ACCW will contact MCFD or the Delegated Indigenous agency immediately to do an investigation. MCFD or the Delegated Indigenous agency will decide if your child will be temporarily removed from you during the investigation. If the investigation will take more than 24 hours, one of the Alternative Community Caregivers that you named will likely be called to look after your child. When the investigation is complete, MCFD or the delegated Indigenous agency and the review committee will decide whether your child can be returned.<sup>65</sup>

## **What can I do if I am removed from the program?**

If you need help, contact Prisoners' Legal Services. The phone number is at the end of this booklet.

If you are removed from the program, you should be given the reason in writing. If you believe there is more information you can give, that the decision was unreasonable, or that there are changes that you can make with support that would allow you to care for your child, you have the right to ask for that help and for a new decision.

You can put your complaint in writing to the warden. You can submit your complaint to any staff person who must give it to the warden without undue delay. If you need help to complete the form, you have the right to get help from any staff member.<sup>66</sup>

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65 ACCW-MCU Program Guide at 17; ACCW, SOP: Mother-Child Program – Case Management (10 Mar 2015) at 1.13.

66 *Correction Act Regulation*, BC Reg 58/20015, s 37(1).

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If you are not happy with the warden's decision about your complaint, or if you have not received a response to your complaint in a reasonable amount of time, you can make a complaint to the Investigation and Standards Office. Staff must forward your complaint to the Investigation and Standards Office without delay.

You might have other legal options to pursue your complaint, such as a judicial review to the BC Supreme Court, or a human rights complaint.

Also remember that you can re-apply for the Mother-Child Program in the future. MCFD or the Designated Indigenous agency will need to support your new application for it to be approved.

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

A case conference should be held soon after your child's birth to establish a plan for them to have daytime visits with you at ACCW. You are allowed to breastfeed your baby during those visits unless there are health reasons not to.<sup>67</sup> You should also be allowed to pump breast milk to be given to your baby in the community.

## **Your rights during pregnancy and birth (even if not approved for the program)**

You can contact Prisoners' Legal Services for help if you are pregnant in custody. See the telephone number at the end of this booklet.

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67 Adult Custody Policy, c 9.24.5-6.

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If you are pregnant in custody, you can request to receive health care services outside of the prison. If your due date is during your time at ACCW, you will be referred to Ridge Meadows Maternity Clinic.<sup>68</sup>

Male corrections officers are not allowed to be present at health care appointments. Leg irons must be removed during medical procedures involving pelvic examination. Restraints are removed for medical treatment if the treatment provider requests it.<sup>69</sup>

While you are pregnant, staff should not use restraint equipment on you except where the warden has consulted with health care and has approved it. Staff must not use spray irritants on you. They are also not allowed to use leg irons during your second and third trimesters.<sup>70</sup>

If you must be restrained:

- Staff must use extreme caution to make sure you and your baby are not harmed.
- They must not apply any pressure to your stomach or torso.
- They must support you when you are walking.
- Your hands are only cuffed in front of your body.<sup>71</sup>

If you would like a support person such as a friend, family member, or doula to be with you during labour and delivery, you

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68 Adult Custody Policy, c 9.24.2(4); Health Care Services Manual (revised Sep 2012), c 1.18.

69 Adult Custody Policy, c 1.7.27,

70 Adult Custody Policy, c 1.7.26.

71 Adult Custody Policy, c 1.7.26.

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should request approval for them in advance from the deputy warden or designate. Also, if you would like visitors to be able to visit you when you go to hospital to have your baby, you should request approval for them in advance from the deputy warden or designate.<sup>72</sup>

Male correctional staff are not allowed to be in the delivery room. You might want to request that no correctional staff of any gender be allowed in the delivery room.

When you feel that you are going into labour, tell staff and they must call 911 immediately to take you to hospital. ACCW should have a basic kit at the institution in case you give birth before the ambulance arrives.<sup>73</sup> There is a list of approved items that you are allowed to take with you to the hospital, and a list that you are allowed to bring back with you to ACCW.<sup>74</sup>

You must not be restrained during labour or immediately after birth.<sup>75</sup>

Staff will call MCFD (or the Delegated indigenous agency) and, if applicable, the intended caregiver of your child.<sup>76</sup>

Any gifts you or your child are given at the hospital must be approved by the deputy warden.<sup>77</sup>

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72 ACCW-MCU Program Guide at 9.

73 ACCW-MCU Program Guide at 9; Adult Custody Policy at 9.24.4.

74 ACCW-MCU Program Guide, Appendix E: Approved Items to be transported with the expectant mother to the hospital.

75 *Bangkok Rules*, Rule 24; Adult Custody Policy, c 1.7.27(5).

76 Adult Custody Policy, c 9.24.4(4).

77 ACCW-MCU Program Guide at 10.

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According to international standards:

- You should be offered pre-natal classes and parenting programs, either in the institution or in the community.<sup>78</sup>
- 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.<sup>79</sup>
- Your special nutritional needs and need for regular exercise should be provided for both during pregnancy and after birth.<sup>80</sup>
- You should be encouraged to breastfeed. You should not be discouraged from breastfeeding unless there are health reasons not to breastfeed.<sup>81</sup>
- You must not be placed in segregation as punishment for a disciplinary offence while you are pregnant or breastfeeding.<sup>82</sup> Your child must never be placed in segregation.<sup>83</sup>

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78 *Bangkok Rules*, Rule 42.

79 *Bangkok Rules*, Rule 48; United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, 30 August 1955, Rule 23 [*Standard Minimum Rules*].

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

81 *Bangkok Rules*, Rule 48.

82 *Bangkok Rules*, Rule 22.

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

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- 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.<sup>84</sup>

## **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 604-681-9736. Once you have a referral, you can call Prisoners' Legal Services directly at 604-636-0464.

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.

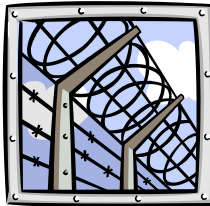
## **Other Resources for mothers and children**

The Representative for Children and Youth  
1-800-476-3933

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84 *Bangkok Rules*, Rule 62.

**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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