



▼ *A Father's Story*

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Prisoners who are parents often have difficulty asserting their parental rights. Almost all the published articles and conference workshops on this topic are about the child custody issues of incarcerated parents who have children in foster care. But people who have lived or worked in prisons for any length of time will tell you that the child custody problems that most prisoners face have nothing to do with the judicial system. When prisoners lose contact with and access to their children, it is usually not because the courts have taken their kids away.

In February of 1977, when I was 17, I found out I would be a father. The mother's parents supported us, as did my own mother; she had been my only consistently present parent, as my father was incarcerated throughout most of my childhood.

I was very happy to be the father of a beautiful boy. I began to look toward the future, although our family was starting out as most families of young parents do: with little resources and lots of struggle. After one year, we were living in a nice apartment with everything we needed; I was working as a spray painter and doing odd jobs to make extra money. Everything seemed to be working well as far as

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our material progress but our relationship had started to deteriorate. When he was two years of age, my son's mother and I split up. She moved to another state and a few months later I followed with hopes of a new start. We stayed together for the next three years. During that time, my relationship with my son deepened. I never went anywhere without him. We became so attached that it was a struggle to get to work because he wouldn't let go of me. I hated to leave him myself; I knew how he felt as such a little boy, having to be separated from his father. We were very close.

However, his mother and I started to have problems again. We returned to

our hometown but this didn't help our relationship and we eventually separated. I continued to see my son on weekends and whenever else it was possible. We kept the bond we had developed in those early years although it was not as strong as I would have liked it. When my son was five years old, my mother died, I lost my family's home and the land my grandfather was born on in 1896, and my son's mother began a new relationship and moved to an unknown location. This stopped my visits with and my contact and connection to my boy. Everything that I had ever cared about seemed to have disappeared.

Within five months, I ended up in county jail. When I bailed out, I found that my son's mother was trying to contact me. I attempted to straighten up my life and began visiting with him again until she became involved in a new relationship and once again disappeared. This time the separation lasted a little longer. They reappeared again after I had gotten into some serious trouble. I hadn't been caught yet, but I knew it was only a matter of time. My son and I were still pretty close in spite of the separations we'd experienced. Over the years, I had attempted to keep my relationship with his mother friendly so I would

have no trouble seeing him. I spent as much time with him as I could. When he was nine years old, I was arrested, put in jail, and sentenced to long state and federal prison terms.

During the first year of my incarceration, I had contact with my son and his mother. It was not constant, but there was still a connection. Visiting was impossible because his mother flatly refused to bring my son into a prison. After that first year, she told me that she and my son were moving to another part of the country, 2500 miles away. I had at least eight and one half years to serve in state prison before being eligible for parole to the federal system to serve another long sentence. Her announcement hit me extremely hard. I knew I was losing my boy for certain now. All I could do was ask his mother to stay in contact with me.

After they moved to their new location, I spoke to my son four or five times. The last time I called to speak to him, his mother told me he was visiting his maternal grandparents in our home state for the summer and would be back in September. I asked a minister I knew to call the grandparents to arrange a visit, since they lived relatively close to the prison. They said my boy wasn't there and they didn't know where he was. When I called the number I had in September, I was told that my son and his mother had moved away and left no forwarding address.

When Prisoners Can't Find Their Children

After that last disappearance of my boy and his mother, I realized that he was probably gone until I did something to find him. I started looking into what was available to me

as a prisoner. I asked around to see how the other fathers kept in touch with their children. The general consensus was that if the mother didn't stay in touch with you, you could just forget about any kind of contact with your kids. You could also forget about getting any kind of help from anyone else. I'd learn later that, in the general sense, these men were right. Help was very definitely hard to find.

I turned to the courts in my state to try and assert my parental rights to my son. I was told there was nothing they could do if my son was living out of the state. There was nothing they could do to help me find him, either in or out of state, and they weren't aware of any other agency that could.

I tried other sources of assistance for parents and for prisoners. I tried the Divorced Fathers Support Group, prison counselors and administrators, and many, many other official sources of aid. Many places I contacted seemed to have a "No help for prisoners" attitude. I got the distinct impression that everyone felt as though my child was probably better off, wherever he was, without me. This was especially true of prison officials and even of the prison counselors who are supposed to help prisoners with their problems. The perception is that prisoners are bad people and therefore they must be bad parents.

Next I began to research agencies that assisted prisoners with legal problems. I tried the ACLU, the Lewisburg Prison Project and local Legal Aid offices. I ran into dead ends everywhere. No one would or could help me find my son. I needed to search for him myself.

Prisoners who are looking for anything outside of prison need to write letters. This requires literacy, paper and pencils, stamps, and at least one starting address. Unlike many prisoners, I can read and write. But during much of my imprisonment, I have been indigent, without enough money for the writing paper and stamps I needed. I had a lot of letters to write; those I wrote to general addresses like "Family Court, Tucson, Arizona" came back marked "insufficient address" and letters that did get through were often answered with forms directing me to write somewhere else. Because I didn't know exactly where my boy and his mother had gone, I had to write to many places. At one point, in order to continue my search by mail, I was reduced to removing stamps from my incoming mail, erasing the cancellation marks and sticking them to used, re-addressed envelopes with pancake syrup.

Like most incarcerated parents searching for their children or attempting to assert their parental rights to visitation, I needed to make long-distance telephone calls. Most state prison systems allow prisoners to make collect calls only and most public agencies and government offices will not accept collect calls from prisoners. Those state and federal prisons that do have direct calling systems do not allow calls to Directory Assistance, so even prisoners who can afford telephone calls cannot always find the phone numbers they need to either locate their children or keep in touch with them.

The agencies that did answer my letters and calls for help usually responded with form letters. With one

exception, the few personalized responses I got said that they did not handle child custody issues or do child searches for incarcerated parents. I almost never actually spoke to a live person; it was as if the problem was just too unpleasant for anyone to get involved. This left me right back where I started.

I eventually located my son and his mother with the assistance of an agency that serves children of prisoners. Coincidentally, as an advocate was preparing to travel to the state where they were living, I received a call from my son's mother informing me that he was getting married.

It was seven and half years from the time of my last phone call with him until I spoke to my boy again and a total of 10 years in which we did not see each other. The next time I saw him was at the U.S. Penitentiary at Leavenworth, Kansas, where he visited and handed me his 5 week old daughter. The fear I had felt in my heart of losing my boy had come true. In that moment, it had completed itself. The loss seeing and enjoying my boy's childhood was plainly in front of me. It was gone now and all we could do was get to know one another again. He'd slipped away, no matter how hard I'd tried to maintain our connection.

Obstacles to Asserting Parental Rights From Prison

Most prisoners face several obstacles when attempting to assert their parental rights to their children:

- ▼ **Unfounded assumptions about prisoners as parents**
There are no studies that show that prisoners are bad parents but

this assumption is made for all of us without any information whatsoever about how we cared for and parented our children.

- ▼ **Lack of resources**

Prisoners trying to retain or regain custody of their children need letter-writing supplies, telephone fees and access to public information like telephone numbers from Directory Assistance.

- ▼ **Lack of child custody advocacy services for prisoners**

Even agencies that help prisoners with other issues are reluctant to get involved with child custody matters. The few agencies that do exist work mostly with women prisoners or seem to focus on helping prisoners with children in foster care.

- ▼ **Lack of legal aid for prisoners with family law issues**

There are probably more prisoners with some type of family law problem than there are prisoners with post-conviction legal issues. While there are hundreds of post-conviction legal aid projects at prisons across the country, none of the many projects I contacted offered assistance with child custody matters.

The majority of the 1.8 million prisoners in the U.S. are fathers and mothers. Even though most of us retain our legal rights as parents, over half of us do not have regular contact with our children. New information about child custody issues of incarcerated parents and new services are desperately needed.

Michael Carlin was selected as the recipient of the first Fellowship of the Center for Children of Incarcerated Parents in 1996. He has served 14 years of consecutive sentences to state and federal prison for bank robbery and escape.

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