Prisons, and the people who live and work inside them, have been the topic of sustained research interest for at least the last 100 years. However, prisoners are not just people who have been sentenced for a criminal offence, many of them are also parents, and hence, the effects of imprisonment are felt far beyond the prison walls. These children have committed no crime, and yet the punitive response of the criminal justice system affects them in the most personal and often sustained ways. Nonetheless, this vulnerable group tends to fall outside the responsibility of criminal justice institutions, and other statutory agencies tend only to intervene when the child displays seriously concerning behaviour resulting from this trauma; rarely is intervention preventative and child-focused.

This Special Issue is one of the outcomes of an ARC Linkage project (LP110100084) that had as its specific focus the impact of incarceration on children’s care in Victoria and New South Wales, Australia. By way of background, it was obvious to the research team1 that the incarceration of a parent can have both immediate and long-term effects on children, and that Australian government policies, legal processes and administrative guidelines were limited in their responses on how to transfer care responsibilities upon the arrest, remand or imprisonment of a primary carer. During the course of the project it became clear that appropriate care planning could minimise the impact of changes in living and schooling arrangements, as well as improving contact with an incarcerated parent. Importantly, better care planning can also reduce parent recidivism and the likelihood of children entering the criminal justice system.

However, this subject matter is much larger than the practices in two Australian States, and is also larger than one research project can conceivably cover. With rising numbers of imprisonment, and the responsibility for those sentenced to a period of incarceration stretching beyond institutions of punishment, and the care of their children far beyond the criminal justice system, we felt that asking other researchers and practitioners to comment on this issue from their perspective would bring a significant contribution in highlighting these challenges and help draw attention to the plight of this hidden group of victims of incarceration. We also wanted to ignite interest and debate around this profound challenge. Because this

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1 The academic research team from Monash University consisted of A/Prof Chris Trotter, Dr Catherine Flynn, A/Prof Bronwyn Naylor, Prof Paul Collier, Dr David Baker, Dr Kay McCauley-Elsom and Dr Anna Eriksson. We also had several industry and NGO partners whose contribution has been invaluable: Department of Human Services, Vic; Department of Human Services Victoria – Office for Children and Young People; Department of Justice, Vic; Prison Fellowship Australia; VACRO – Victorian Association for the Care and Rehabilitation of Offenders, and SHINE for Kids.
is not just a national issue of pressing importance, it is an international one. Moreover, other jurisdictions have essential lessons to teach us, as we do them.

It is estimated that approximately one-half of imprisoned adults are the parents of dependent children. Significant increases in the adult prison population across the Anglophone world over the past two decades have also brought an unprecedented rise in the number of dependent children who now have a parent in prison. On any given day in New Zealand it is estimated that around 18,000 children are affected by parental incarceration. Some years ago now, in Australia, there were thought to be some 38,000 children in this situation, similar to the number of children who are subject to child protection orders. It is not known how many of these children fall into both categories; what is known is that across all states and territories in Australia, there is no coordination across the child protection and criminal justice systems to respond to these children’s situation. Unfortunately, this appears to be true across many jurisdictions. This is despite clear knowledge that parental incarceration is an adverse childhood experience, and that arrest and sentencing can be traumatic for children both in the short and longer term. Recently, the International Association of Chiefs of Police argued that coordinating and responding to children when parents are arrested and imprisoned can have longer term benefits both for the wellbeing of the child as well for the parent-child relationship.

Yet, the children of imprisoned parents receive negligible attention or intervention, which is highly problematic considering the well-documented experiences by these children: isolation, behavioural difficulties at school, anxiety, insecurity, withdrawal, anger, and mental health concerns, as

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well as the potential for involvement in offending behaviour themselves. Despite these concerns and the growing nature of the problem, these children remain largely invisible, and do not feature as a priority for government policy and statutory welfare bodies.

Hence, it gives us great pleasure to introduce this Special Issue of *Law in Context*, focusing exclusively on the children of prisoners. The eight articles are drawn from a range of disciplines and comprise a combination of research findings and practice reflections, addressing complementary areas and topics. Flynn et al share research findings on care planning for children whose primary carers are incarcerated, highlighting what needs to be done for children at parental arrest, sentencing and imprisonment. The need to make dependent children visible in the adult criminal justice system is also emphasised by Minson and Condry, and is further commented on by Gordon in her discussion of children in New Zealand. Dennison and Smallbone urge that when we discuss imprisoned parents, we pay attention to fathers, while Wallis and Dennison argue for the adopting of a theory of republican criminology as a helpful framework for responding to these children. Further challenging children’s invisibility by engaging them in research is presented by Saunders et al, who share ideas on how to engage meaningfully with young people about sensitive issues. Roberts and Loucks show us how some schools and organisations are drawing attention to children of prisoners, enabling them to remain engaged with the education system, while Scharff Smith outlines innovative practices in Scandinavia. These papers provide contrasting and informative perspectives.

The authors are from Australia (Vic, ACT, Qld), New Zealand, England, Scotland and Denmark, providing not only an international perspective on this important issue, but clearly demonstrating that children experience the imprisonment of their parents in very much the same, debilitating ways across jurisdictions. The justice system tends to abdicate responsibility for this group, and the question then becomes ‘whose responsibility are they?’ Thankfully, the articles in this Special Issue provide some hopeful news, demonstrating that effective support can be found both within the criminal justice system, in the NGO sector, in schools, and at home. But none of these come easily, and they require considerable sustained and coordinated work. Above all, what is needed is an unambiguous recognition by the criminal justice system and by policy makers that the pains of imprisonment are by no means confined behind the prison walls.