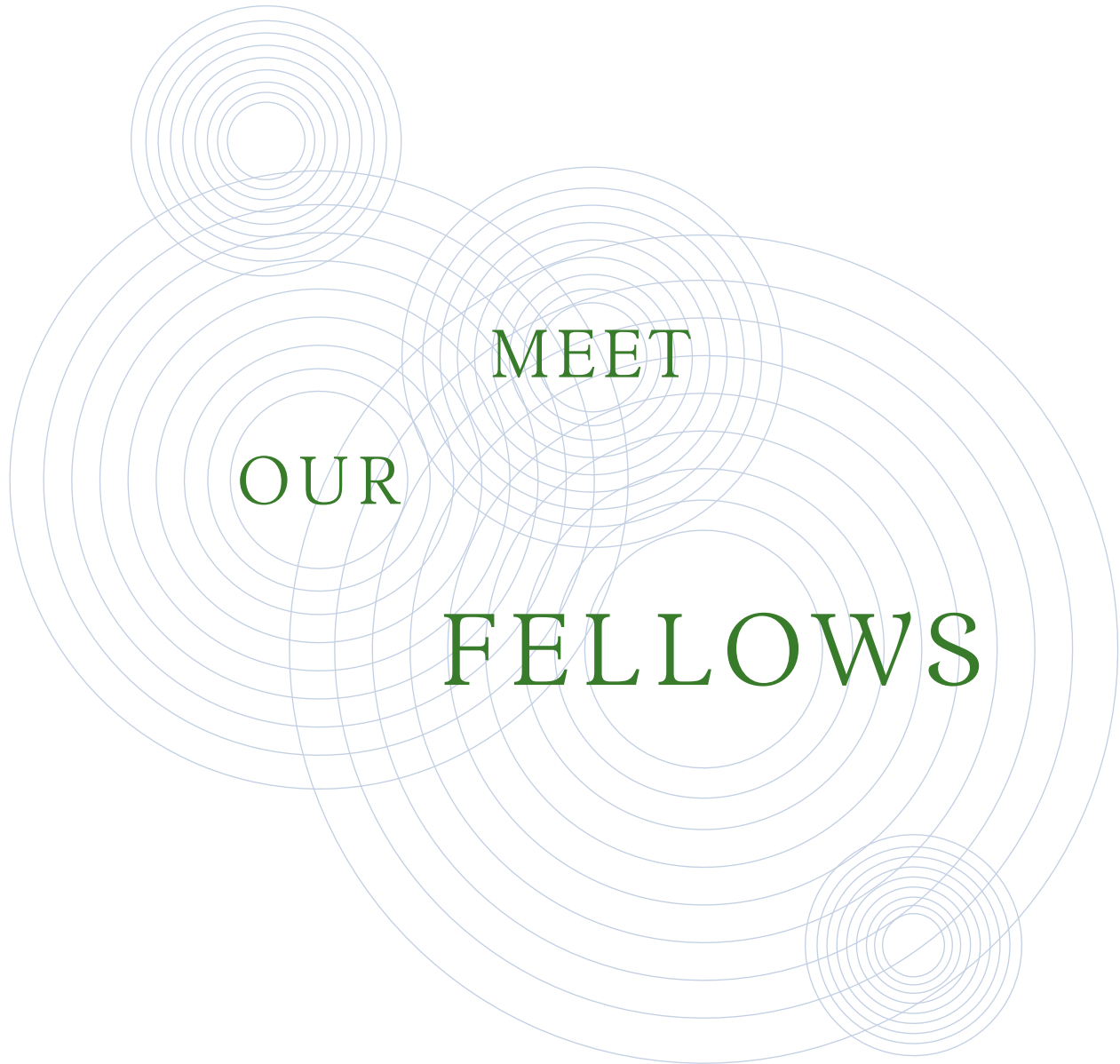




THE STONELEIGH FELLOWS PROGRAM



KATHLEEN CREAMER, ESQ.



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*Fellowship Project: Children of Incarcerated Parents: Reducing Barriers to Reunification*

**K**athleen Creamer is very clear about why she went to law school and she does not hesitate to tell you: “I went to law school to do public interest law. I have a very strong calling to do this kind of work. It matches my values.”

Creamer has spent her entire career doing “this kind of work:” advocating for the poor, the vulnerable, the battered and the incarcerated. She calls her Stoneleigh Fellowship to work on reducing barriers to reunification for incarcerated parents “a dream come true.” Besides, she says laughing, “I’m a sucker for incarcerated moms.” While Creamer can laugh at herself sometimes, she is serious about fairness and justice. “Even when I was a child playing with my friends,” she says, “I always wanted things to be fair. But I realized pretty early on that there was nothing really fair about the fact that I was born with so many more advantages than a lot of other people.”

### *ACKNOWLEDGEMENTS*

We acknowledge and thank Bernardine H. Watson, the author of this article, who tells an inspiring story about Kathleen Creamer. Ms. Watson interviewed Ms. Creamer and wrote this profile based on their conversations. This is the seventh in our series of “Meet the Fellows” profiles. The series is intended to provide readers with stories that describe our fellows’ motivation, goals and the philosophies that drive their work.

Ms. Watson is a social policy consultant living in Washington, D.C. She writes for and provides strategic advice to foundations, think tanks and nonprofits.



By the time she was in high school, Creamer was volunteering in homeless and domestic violence shelters. “This awakened my awareness to the impact of poverty on people’s lives,” she says. However, it was her volunteer experiences during college that fully opened her eyes to the injustices in our legal system.

“While I was in college in Southern Maryland, I started volunteering at St. Mary’s Women’s Center. I worked as an advocate helping women victims of domestic violence get temporary protection orders in court. It was very striking for me to see that the way a woman looked, the way she dressed and how together she was made a difference in the kind of justice she got. I thought this was very unfair.”

Creamer remembers one woman in particular that she accompanied to court. “She was a white woman, who was very poor and very scared. She had been in a long, abusive marriage and had finally gotten the courage to get a protection order. The judge didn’t see her as worth much. He basically told her that ‘it couldn’t have been that bad if you didn’t come to court all these years’. The woman received a temporary protection order, but never returned to court to seek a permanent order, and we never heard from her again. I still wonder if she is safe and how her family may have been impacted by the way she was treated by the court. That case was an education for me about just how little regard our legal system can have for poor women’s voices.”

Creamer’s real world education continued during law school at the University of North Carolina, Chapel Hill. She worked in the school’s criminal clinic representing juveniles. She also did an internship at North Carolina Prisoner Legal Services, researching the constitutional

rights of prisoners. During her last year of law school, Creamer used an independent study to co-author the *North Carolina Rules for Domestic Violence Offender Rehabilitation*. The rules set minimum requirements for domestic violence rehabilitation programs and were codified into North Carolina law. “After these rules were in place,” she says, “an offender could no longer go to one day of class and say ‘look, I’ve completed a rehabilitation program’.”

In 2005, Creamer joined the staff of Our Place, a non-profit organization in D.C., which provides direct services and advocacy to help formerly incarcerated women return home successfully. She was director of legal services and this was her first job advocating for clients as an attorney. “Our Place is one of those places you just fall in love with,” she says. “It’s a small do-it-yourself organization.” At Our Place, Creamer provided legal help to women both during and after incarceration, working on issues of child custody, parole, medical treatment, and other consequences of criminal conviction. The majority of her clients were poor and black.

As part of her work at Our Place, Creamer conducted seminars at the local jail to educate women about their rights. She advocated for the women with officials in the D.C. Department of Corrections, the Federal Bureau of Prisons and the U.S. Parole Commission. Most important, Creamer says, she increased her understanding of incarcerated women’s needs, especially their needs as mothers. “At Our Place, I learned that the number one thing on almost every incarcerated woman’s priority list is what’s happening with her children and what will happen to her children when she is released.”

Further, Creamer says, she began to see the tremendous barriers women face while incarcerated and when they attempt to re-enter society and reunite with their children. “Many of these women are addicts; they are poor; they’ve had inadequate education. They need addiction services, effective mental health services and economic supports. Adequate housing is a huge barrier.” Creamer says she has represented women who almost lost their children because of homelessness and had clients who lived in rooming houses in order to keep their children with them. No matter what, she says, “these mothers want their children home and children want their moms. Children deserve their moms and they deserve to be provided with the supports needed for safe reunification.”

Reluctantly, Creamer left D.C. and Our Place in August of 2006. “I had to relocate because my husband took a job in Philadelphia,” she says. Those who have followed Creamer’s career would call D.C.’s loss Philadelphia’s gain. After coming to the city, she took a job as a staff attorney in the Family Advocacy Unit of Philadelphia’s Community Legal Services (CLS).

She represented parents who were attempting to keep their children safely at home or were attempting to reunite with their children who had been placed in state custody. It was not long before Creamer had earned the deep respect of her colleagues. Attorney Kathy Gomez, who heads the Family Advocacy Unit at CLS, says, “I admire Kathleen because she brings so much passion and zealotness to her role, both representing parents individually and the amount of legislative advocacy that she does.”

At CLS, the majority of Creamer’s clients were mothers and a number of these mothers were incarcerated. “Reunification for incarcerated parents is so much harder when the children have been placed in the foster care system,” she says. Creamer explains that in Philadelphia, an incarcerated parent with a child in foster care faces a number of institutional barriers to the already difficult process of parent-child reunification. First, Creamer says, “While the law is very clear about what it takes to remove a child from a parent, there is no clear legal standard for returning a child to a parent. What the law says is that reunification is guided by what is in the best interest of the child, and everyone involved—the mom, the social workers, the child advocate, the parent advocate and the

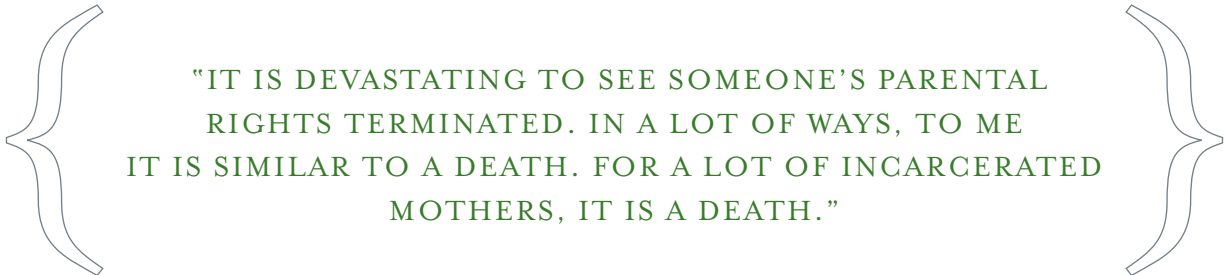
judge—has their own idea about what is in the child’s best interest. To find consensus about when a family is ready for reunification is very, very challenging.”

Another barrier Creamer cites is the lack of communication and service coordination between social workers from the Philadelphia Department of Human Services (DHS) and the Philadelphia Prison System (PPS)—even when they are serving the same client. “Very frequently DHS social workers will write up a service plan for what the parent has to do to get his/her child back, but they don’t consult with the prison social worker,” she says. “As a result, DHS social workers often create service plans that are not feasible for the incarcerated parent. For example, it’s not reasonable to put weekly mental health counseling on a parent’s service plan if that’s not available in the jail.”

Creamer adds that this lack of communication is exacerbated by the fact that prison social workers are usually so overloaded with cases that they rarely have time to do adequate discharge planning. On the other hand, DHS social workers rarely visit parents in jail. Often, the result is a lack of adequate planning and support for the incarcerated parent who is trying to reunify with their child.

Creamer says that other policies and practices can have devastating effects on incarcerated parents, their children and the chances for reunification. For example, Creamer says that although most incarcerated parents with children in foster care are entitled to visits, many do not receive consistent visits with their children. Creamer sees this lack of visitation as a major barrier. “Not only do many





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children in Philadelphia go for months without seeing their mothers, but staying in contact is almost always a requirement for an incarcerated parent who wants to reunify with her child. Lack of parent-child contact will certainly hurt the parent’s case if DHS seeks termination of parental rights, because at that stage the court looks carefully at the parent-child bond in making its decision.”

Further, a policy barrier that Creamer calls “frightening” is a provision of the federal Adoption and Safe Families Act (ASFA). She explains, “ASFA says that if a child is in foster care for 15 out of the last 22 months, DHS is mandated to file for termination of parental rights—even if the parent is very close to being ready for reunification.” The federal law does exempt local DHS officials from filing a termination of parental rights petition if such action is not in the child’s best interests. And, in recognition of the unique challenges posed by parental incarceration, Creamer says that some states have relaxed ASFA timelines for incarcerated parents. However, Pennsylvania has what Creamer describes as a “rigid” interpretation of the act and does not allow flexibility for these families. She says that in Pennsylvania, it often feels like there is very little consideration as to whether it is truly in the child’s best interest to terminate an incarcerated parent’s rights. “It’s not that many of my clients have long sentences. A lot of them are in prison for low level criminal activity, like prostitution, to support a drug habit. But they can get stuck in jail sometimes for over a year waiting for trial. If the law says you only have 15 months to reunify with your child, what does that mean for your parental rights?”

Actually, Creamer knows exactly what it means. She has handled cases where DHS has terminated the parental rights of an incarcerated client under the ASFA requirement. In some instances she was able to stop the termination. But she has also seen clients lose the rights to their children. “In the work that I do with child welfare, the consequences are so final,” she says. Traditionally in Pennsylvania, adoption law has said that parents have no right to ongoing contact

with their child after their rights have been terminated. A new law that went into effect in the state this past spring allows post termination contact under very limited circumstances. However, because post-adoption contact is granted so rarely, Creamer says she tries to be very clear with her clients.

“I tell them...‘If your parental rights are terminated you’re probably never going to see your child again. You may never know where your child lives or even what their name is.’” Creamer pauses to compose herself. These words are still too hard for her to say, even though she has had to say them to a mother many times. “It is devastating to see someone’s parental rights terminated,” she continues. “In a lot of ways, to me it is similar to a death. For a lot of incarcerated mothers, it is a death.”

Creamer says that the Stoneleigh Fellowship gives her the time to do the kind of in-depth advocacy she has always wanted to do for incarcerated parents and their children. “I have really tried to zero in on those children who I think are the most vulnerable: the children of incarcerated parents who end up in foster care.” She says she will be making specific policy and practice recommendations regarding the lack of cross agency communication between DHS and PPS, the limited resources and services for incarcerated parents and their families, and the rigid ASFA timeframes for the termination of parental rights.

Creamer has already met with key stakeholders—incarcerated parents, DHS and PPS staff and other service providers and advocacy groups—to gather initial information and gain support and cooperation. Currently she is working to organize and convene two task forces designed to help achieve the policy and practice goals she has identified. One will be a joint DHS-PPS task force to make recommendations for better planning and communication between the two systems. The second is on children of incarcerated parents and will include DHS staff, their contract agencies and other community partners. This group will develop a policy

and practice guide for providing services to families facing parental incarceration. Creamer understands that her most ambitious goal—obtaining flexibility in ASFA requirements for the termination of parental rights—will require a great deal of ground work. However, she has already begun to explore how the policy has been modified in other states and to foster dialogue among state leaders on this issue.

Creamer is convinced that there is no better time than now to take on these issues. “Right now, we have excellent leadership at PPS in Commissioner Giorla and at DHS in Commissioner Ambrose. We have an interested mayor and administration. Both Commissioners Giorla and Ambrose have told me that they want to see the results of this project; they want to see things improve for these families.” Creamer will also continue to have the expertise and support of CLS, which is a national leader on re-entry issues and has a long history of successful collaboration with both DHS and PPS.

Indeed, there seems to be growing concern in Pennsylvania for the children of incarcerated parents. In 2009, the Pennsylvania Legislature passed a resolution creating a state-wide commission to study the effects of parental incarceration on children and make recommendations for how to better address these children’s needs. Creamer worked with the Pennsylvania Prison Society to get the resolution passed and was subsequently appointed to the commission. In keeping with her fellowship goals, she is on the subcommittee that is developing recommendations to modify the ASFA rule regarding the timeframe for terminating parental rights.

In fact, Creamer has become one of the city’s leading advocates for incarcerated parents and their children. In 2006, she joined the Prison Society’s Working Group to Enhance Services to Incarcerated Women, a group of non-profits that work on women’s and poverty issues. As chair of the group’s anti-shackling sub-committee she, along with the other committee members, advocated vigorously against the long time practice in Pennsylvania of shackling incarcerated women during childbirth. “This issue was very emotional for me,” Creamer says. “As a human being, recognizing that we were doing this to women in my city was astonishing and shocking. For me it came down to one question—how do we want children born into this world?”

After meeting with Creamer and her colleagues, Commissioner Giorla banned the practice in the city. Creamer says Giorla recognized immediately that the practice was “wrong, unhealthy and not necessary for security.” With success in Philadelphia, Creamer joined with other advocates to work on getting the practice banned statewide. Dee Johnson, executive vice president of Philadelphia National Organization of Women, says Creamer “jumped at the chance to research and draft this bill.” Creamer also negotiated the language in the bill with State Senator Daylin Leach, a Democrat who represents Delaware and Montgomery Counties. In the spring of 2010, the bill Creamer had worked so hard for, *The Healthy Birth for Incarcerated Women Act*, unanimously passed the Pennsylvania House and Senate. In July 2010, Governor Rendell signed the act making it unlawful in Pennsylvania to shackle incarcerated women during labor, childbirth or any “pregnancy related distress,” making Pennsylvania only the tenth state in the country to ban the practice.

Creamer also sits on the Prison Society’s subcommittee for the Children of Incarcerated Parents’ Bill of Rights. She and other members of this subcommittee have been successful in getting the Philadelphia Prison System to introduce Saturday visiting hours at the Riverside facility, where most incarcerated women are located in Philadelphia. Until recently, family visitation at Riverside was allowed only from 10:00 a.m.-6:00 p.m., Monday through Friday. These hours made it difficult for school age children to visit their parents, since they are not allowed to come during school hours and many caregivers, who would accompany the children, have traditional 9-5 working hours.

Because Creamer has seen so many mothers and children suffer due to lack of visitation, she is especially happy about this outcome. For her it is simple. “Women who are struggling to maintain relationships and reunify with their children now have a chance to keep those connections alive.”

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In the five short years she has been in Philadelphia, Creamer's legal and advocacy work has benefited hundreds of vulnerable families. Citing her leadership, in May 2011, Women's Way of Philadelphia gave Creamer their Unsung Heroine Award. Still, in spite of her accomplishments, Creamer sees her biggest challenge as changing the public's perceptions of incarcerated parents and their value. "I think it's very easy for many of us to look at a woman who is incarcerated, who has grown up in poverty, as someone we can't relate to," she says. "So I think it's my duty to help people understand an incarcerated mother as somebody going through experiences—love, childbirth, motherhood, family struggles—just like the rest of us. She's just doing it with tremendous barriers. I can't imagine, having just become a parent recently, that I would have the strength to

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parent a child through an addiction, through dire poverty, and have the courage to do it all by myself. These women do it all the time by themselves. Women who are able to face these challenges and provide a safe and loving home for their children are my heroes. My biggest job is to tell their stories."

Stoneleigh Foundation is a Philadelphia-based foundation established to help improve the well-being of children and youth. Focused on work that promotes change in our country's youth-serving systems, we meet our mission through fellowship awards that support outstanding individuals whose work unites research, policy and practice.

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