

CWDA Protocol

Child Born to Mother Incarcerated/Hospitalized in a State Institution

Background

In 1998, a subcommittee of the CWDA Children's Committee worked with CDSS and the California Department of Corrections (CDC) staff to develop a process for working with pregnant incarcerated women to help ensure that when their babies are born, the child is placed in safe circumstances. This protocol will be regularly revisited and updated as determined necessary.

Purpose

An incarcerated mother has the right to make an appropriate plan for her child and child welfare services need not become involved. The purpose of this Inter-County Memorandum is to re-affirm that any needed intervention by a child welfare agency is based upon the following principles:

- An infant born to a woman incarcerated in a state institution (prison or hospital) should be placed with a legally defined relative/NREFM or a licensed foster home.
- A child born to an incarcerated woman shares the mother's legal County of Residence per Welfare & Institutions Code 17.1.

Note: The legal County of Residence is the county the woman resided in at the time of her detention, regardless of where she is institutionalized.

- In situations where the incarcerated woman has not developed an appropriate placement plan at the time of birth or the plan has failed,
 - the institution will contact the County of Residence's child welfare intake number (A.K.A. Hotline) to make the report, and
 - the County of Residence is responsible for any and/or all investigative measures it deems necessary on behalf of the newborn child.
 - The County of Residence is financially responsible for the child (**Examples:** transportation, placement, medical).
 - Neither the institution nor county in which the institution is located is responsible for a non-resident woman.
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Process

The following steps identify the process flow for a child born to an incarcerated/ [hospitalized](#) woman in a state institution.

Step	Responsible Party	Action
1	Institution	<ul style="list-style-type: none">• Provide woman with information regarding her options for the child (See suggested Message for Pregnant Women).
2	Incarcerated Woman	<ul style="list-style-type: none">• Contact potential caregiver and confirm he/she will care for the child.• Provide the institution, and child welfare agency if appropriate, with information regarding the placement plan.
3	Delivery Hospital	<ul style="list-style-type: none">• Contact the identified caregiver when the child is born.• Notify County of Residence's child welfare Hotline/Intake if no one picks up the child or if needed per existing protocols.
4	Child Welfare Hotline/Intake	<ul style="list-style-type: none">• Respond to referral per existing process.• Coordinate with Delivery Hospital and/or Institution.

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Message for Pregnant Women

Deciding who will care for your child while you are incarcerated/hospitalized is a very important decision. You have the right to make a plan for the placement of your child. It is important that you decide where you want the child to live as early as possible **before you give birth**. In addition to wanting a safe and loving environment for your child, there are other things that you must consider. If you do not determine an appropriate placement for your child, your child will enter the child welfare system where a placement will be determined. There are several laws governing the placement of every child not living with his or her parents. To help you make the best decision, you are being provided the following summary of placement options.

1. You may place your child with, or release your child directly from the hospital to, one of the following adult relatives of the child:
 - Father, brother, sister, half-brother, half-sister, nephew, niece, aunt, uncle, or first cousin
 - All relatives whose status is preceded by the words “step,” “great,” “great-great,” or “grand”
 - The spouse of any of the people listed above, even if the marriage is ended by death or divorce
2. You may place your child with a non-relative whom you consider an extended family member. This person should be able to provide a safe place for your child.
3. You may permanently release your child (please ask for legal assistance) under the following program choices. This is a **permanent** decision. Before you choose any of these options, you have the right to know all the facts and choices open to you and to have a counselor help you decide what to do.
 - “Safely Surrender” your child to the hospital; the hospital staff will assist you in this program.
 - “Relinquish” your child to the child welfare agency; the child welfare agency staff can assist you in this program
 - Legal guardianship of your child with a court-appointed guardian.
 - A private adoption with someone you know who wants to adopt the child and will file an adoption petition in court.

Notification of the birth of your child to your legal County of Residence’s child welfare agency Hotline will occur when:

- Your placement plan fails. For example, the person with whom you arranged to care for your child does not pick up your child from the hospital.
- You did not make any arrangements for the care of your child; your child will be designated as abandoned.

It is very important you contact the person you have identified in your placement plan prior to the birth of your child and make arrangements for your child to be picked up from the delivery hospital.

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California Department of Mental Health Institutions

State Hospitals Contact Information

The following table contains the contact information for California State Hospitals for the Department of Mental Health (current at 12/27/10).

Facility	Contact Information
Atascadero State Hospital	10333 El Camino Real PO Box 7001 Atascadero, CA 93423-7001 Public (805) 468-2000 TDD (800) 468-2009 Fax (805) 466-6011
Coalinga State Hospital	24511 West Jayne Ave. P. O. Box 5000 Coalinga, CA 93210-5000 Tel (559) 935-4300 Fax (559) 935-7118
Metropolitan State Hospital	11401 South Bloomfield Avenue Norwalk, CA 90650 Public (562) 863-7011 TDD (562) 863-1743 Fax (562) 864-4560
Napa State Hospital	100 Napa-Vallejo Highway Napa, CA 94558-6293 Public (707) 253-5000 TDD (707) 253-5768 Fax (707) 253-5513
Patton State Hospital	3102 East Highland Ave Patton, CA 92369 Public (909) 425-7000 TDD (909) 862-5730 Fax (909) 425-7520
Salinas Valley Psychiatric Program	P.O. Box 1080 Soledad, California 93960 Phone (831) 678-5661 Fax (831) 678-5666
Vacaville Psychiatric Program	1600 California Drive P.O. Box 2297 Vacaville, CA 95696-2297 Public (707) 449-6504 Fax (707) 453-7047
